

THE

PRINT

REPORT,

FROM THE SELECT COMMITTEE

OF THE

LEGISLATIVE COUNCIL

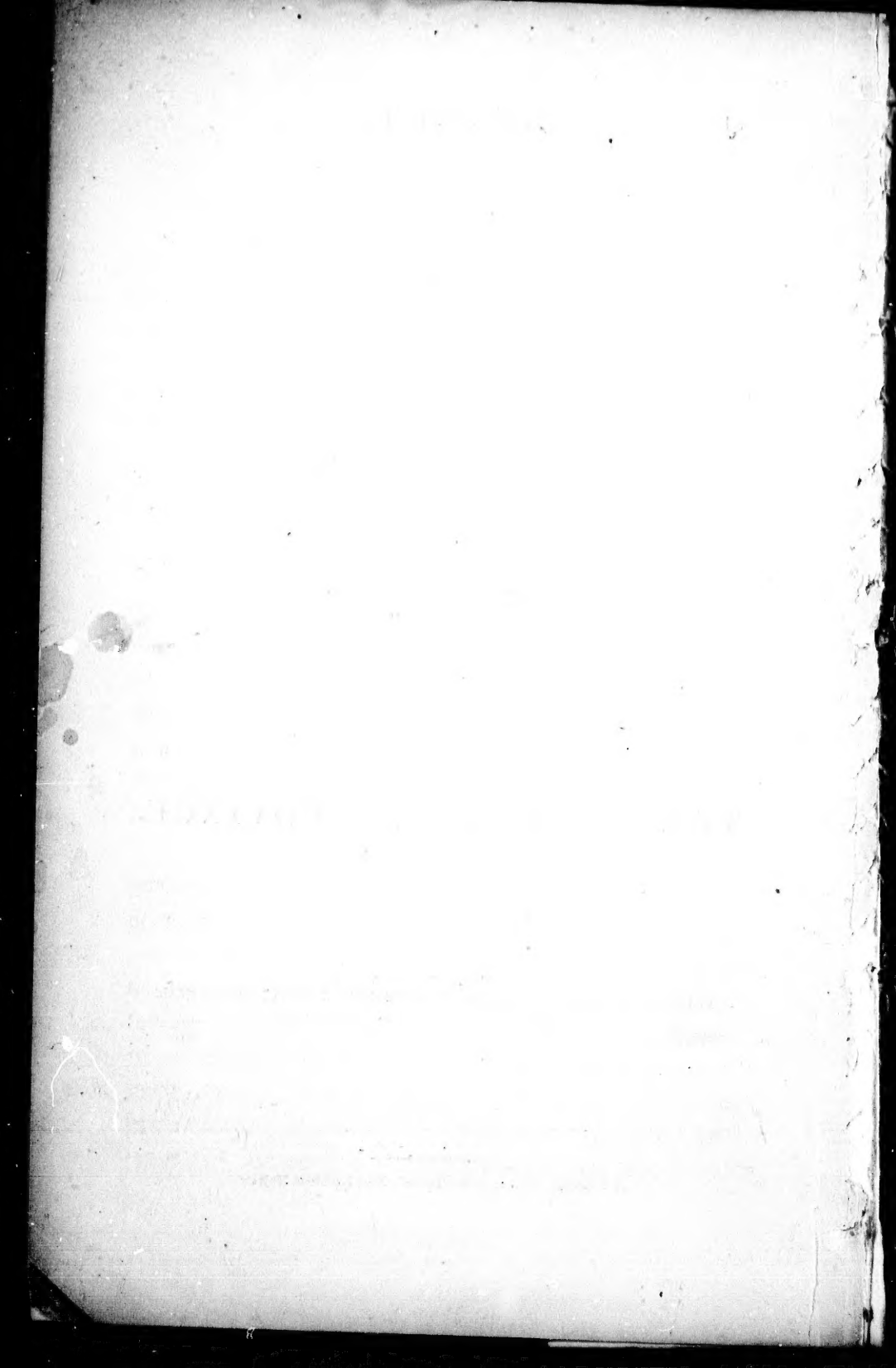
OF UPPER CANADA,

ON

THE STATE OF THE PROVINCE.

PRINTED BY ORDER OF THE HONORABLE THE LEGISLATIVE COUNCIL.

R. STANTON, Printer to the QUEEN's Most Excellent Majesty.



REPORT.

THE SELECT COMMITTEE appointed to enquire into, and report upon the state of the Province, have agreed to the following Report:

The point of time in which this subject of enquiry has been submitted, is beyond comparison the most important to the future interests of its inhabitants, of any that has occurred since Canada came under the dominion of the British Crown.

Some measures of a decisive character must, of necessity, be proposed in England, in consequence of recent events in this and the Lower Province; and upon the nature of those measures it depends whether Upper Canada is to be retained as a portion of the British Dominions, and whether its inhabitants can look forward with confidence to a continuance of peace, and to the preservation of their present form of Government.

In this very remarkable period in our history, the Legislature has been suddenly convened in order to receive from His Excellency the Lieutenant Governor, an account of the suppression of an insurrection which was formidable in these several respects, viz.:—That it was not on account of any particular grievance or complaint, but had for its direct and avowed object the total subversion of the Government by an armed force, and the introduction of a democratic Constitu-

tion—that among its leaders there were several Members of the House of Assembly—that efforts had been used to procure simultaneous risings in other parts of the Province, and not without considerable success, in the District of London—that the whole movement was clearly intended to be in co-operation with the rebellion which had broken out in the adjoining Province—and that the insurgents reckoned upon foreign aid in their desperate enterprize, and not without reason, as events have proved.

By the prompt measures taken by His Excellency the Lieutenant Governor—by the zealous and faithful services of the Militia—and the active exertions of people of all ranks and stations, this rebellion was speedily suppressed; and although many hundreds of the rebels were actually in arms in this District, and in the District of London, it was happily suppressed almost without loss, on the part of Her Majesty's loyal Subjects.

It is indeed evident that treasonable movements which had been long planned, and which were extensive in their character, were attempted to be put in execution prematurely, either from the fear that if deferred they were likely to be effectually counteracted, or from the temptation offered by some seeming and unexpected facility of carrying them at once into effect. It appears that the exigencies of the public service in Lower Canada having rendered it expedient to concentrate Her Majesty's regular Forces at Montreal, His Excellency Sir Francis Head had no hesi-

tation in complying with the request of Lieutenant General Sir John Colborne, that the troops stationed in this Province might be withdrawn; and the whole of the Queen's forces were without reserve sent to Lower Canada. It was not unknown that there were some restless agitators in this Province, disaffected to the British Crown, who were industriously promoting the cause of rebellion, in appearance at least, by collecting and drilling parties of armed men in several quarters of the Country, and particularly in the northern portions of the Home District. Besides the information of these proceedings brought by the loyal inhabitants of the neighbourhood who were naturally alarmed by them, the movements of these traitors (for such they have since shewn themselves to be,) were openly proclaimed in seditious publications, with an evident design to force them upon the attention of the Government.

The first object of these unlawful meetings probably was to deter the Government from parting with the troops, by which means the double advantage would be gained, of serving the cause of the traitors in Lower Canada, and of exhibiting this Province in the light of a disturbed Country; which could be kept in order only by a military force.

After this object had been defeated by readily allowing all the troops to be withdrawn, the same illegal proceedings were continued, whether with the hope of creating a diversion of the forces from Lower Canada, or with the design of actually taking advan-

tage of their absence, and endeavouring to subvert the Government, can now be best judged by the event.

It is not improbable, however, that one principal motive for this insulting display of armed force, was to drive the Government to the adoption of some precautionary measures, which might give to this Province the appearance of being in a distracted state. By accomplishing this object the agitators knew that they would afford very acceptable encouragement to Mr. Hume, and one or two other accomplices in England, who have been adding to the difficulties of the Queen's Government, by shamefully abetting insurrection in Her Colonies, and they may not improbably have hoped for some further advantage to their cause, by intimidating Her Majesty's Ministers into unwise concessions, under the apprehension of new and formidable difficulties.

For reasons which have been stated to the Legislature, by His Excellency the Lieutenant Governor, these apparent preparations for revolt were long suffered to proceed, without an attempt being made to restrain them by public authority, until at length those who had a near opportunity of observing them being convinced that violence was intended, and apprehensions of this kind becoming very general, His Excellency issued a Militia Order,* directing Officers commanding to call out their respective regiments, and to afford aid to the civil power in suppressing armed meetings.

* For this Militia Order, see Appendix A.

This first signal of opposition on the part of the Government, seems to have incited the leader of the insurgents in this District to plunge his unhappy followers at once into crimes of the worst character; and there is abundant evidence that the plundering and burning of this populous town was really meditated, and was only averted, by the blessing of Providence, upon the prompt measures taken by a brave and loyal people for its defence.

It is impossible to recall to mind without emotion, the alacrity and zeal with which the people of this, and the surrounding Districts, mustered instantly around their Government to shield it from outrage, and to extend their protection to their fellow-subjects whose lives and property were endangered.

Your Committee are persuaded that they do not over-rate the prompt exertion thus made, when they state, that in each one of the Home, Newcastle, Gore, Niagara, and London Districts, there turned out upon this sudden summons more than twice as many men as were necessary for suppressing the rebellious movement.

On the third day after the breaking out of the rebellion, many large bodies of Militia which were hastening from a distance to the Capital, were allowed to return home, as their services were no longer required,* and of those who had already arrived, a large portion (about 500 men) were detached to the District of London, under the command of Colonel MacNab, the Speaker of the House of Assembly, whose ser-

* See Militia General Order, Appendix B.

vices on that occasion were rendered with much zeal and discretion. This force so opportunely pushed forward, being aided by numerous bodies of volunteers from all parts of that extensive District, instantly dispersed a large party of armed traitors who had risen in that quarter, and were embodied under Charles Duncombe, a Member of the House of Assembly, and an American by birth. There, as well as in the Home District, besides the number of suspected persons who have been apprehended and brought before the civil power, by the aid of the Militia, and of the other loyal inhabitants, many hundreds have come voluntarily forward, acknowledging their crime, and requesting the protection and forgiveness of their Government.

Thus in a very few days, with scarcely any loss of life on the part of the loyal inhabitants, and with but few of the insurgents killed, a rebellion was suppressed, which might in a short time have grown to be really formidable.

The hand of a merciful Providence was most signally displayed in a number of favorable circumstances, which it would be impiety to ascribe to chance, and which combined to give to the inhabitants of Toronto, at the hour of midnight, an opportunity to arm in their defence, and to make such preparation, under the direction of a most vigilant and gallant Officer, Colonel FitzGibbon, late Adjutant General of Militia, as served to avert the threatened danger. But in nothing perhaps has the goodness of Providence

been more strikingly evident, than in the remarkable mildness of the weather, which at a season when navigation has usually been long closed, has permitted the uninterrupted use of steam-boats to the most distant ports on the lake, thus rendering easy and expeditious the transport of men and stores, and preventing the great suffering and inconvenience which must otherwise have attended this hasty assembling of large bodies of militia, from various parts of the Province.

It cannot but be felt that this traitorous insurrection of a portion of the inhabitants of Upper Canada, is an event much to be regretted on some accounts.— It has entailed upon the public a very formidable expense; an armed resistance to the Government, and still more, a direct attempt to overturn it, is pernicious as an example, and the sufferings occasioned by an enterprise of so criminal and desperate a nature to the guilty actors in it, and to their families, can hardly fail to excite compassion.

On the other hand, looking at its effects merely within the limits of this Province, we must readily perceive that this extraordinary event is likely to be attended with some beneficial consequences of an important character.

Those restless and unprincipled agitators, who have for many years disturbed the public peace, and distracted the deliberations of the Legislature, have either fled, or are imprisoned under charges of High

Treason. Left to themselves, unprovoked and perhaps for too long a time unresisted, this faction which has been patronized even by some Members of the Imperial Parliament, has at length unequivocally shewn that their aim was to subvert the Constitution which they had, most of them, sworn to maintain; to wrest this Colony from the British Crown; and to substitute a turbulent and tyrannical democracy for our well balanced form of Government. And they have given undeniable proof that in order to effect these objects, they were ready to rob, burn, murder and destroy.

One other beneficial consequence is the exposure of the innumerable falsehoods by which many were prevailed upon to take part in this abominable rebellion. These unhappy men remember by what pretences and assurances they were brought to commit their lives and fortunes to the hazard of success in this miserable cause. They now see how utterly false those pretences and assurances were, and it may be hoped that they, and others by their example, may be led to pause hereafter before they give credit to every base story that is told them, to the prejudice of their Government, and of its loyal supporters.

But there is nothing connected with this remarkable crisis upon which it is so satisfactory and pleasing to reflect, as the very striking proof it has afforded of the loyal and patriotic feeling of the great body of the people of Upper Canada. The instant it was known that the Government was threatened with violence, all distinctions of religion and country were

laid aside, and with a noble ardour which can never be forgotten by those who witnessed it, the people rushed forward by thousands to put down rebellion, and to preserve the supremacy of the laws. While neither wealth nor station was felt to place the possessor above the common duty of opposing with arms this unnatural rebellion, the humblest inhabitant of the country gave also his services with cheerfulness—and none more so than the coloured population, whose brave, faithful, and steady conduct, have entitled them to great credit. In the course of this service, and of the more arduous and protracted exertion which it has become necessary to make on our frontier, from causes to which we shall presently advert, it has been made most evident that Upper Canada possesses an inestimable advantage in the hardy, intelligent, and brave population, which, for many years past, has been flowing to us from the United Kingdom. The loyalty of our native Canadians, which was conspicuous in the last war, is now aided by a host of spirited and zealous officers of all ranks, who have acquired experience in the Army and Navy of Great Britain, and by thousands of brave soldiers who have become settlers among us, and whose glory it is to devote their lives to the service of their Sovereign. With hands and hearts like these, a militia is soon rendered efficient and formidable; and it may be doubted whether any country, of equal population, has better materials for self-defence, than the Province of Upper Canada. It is at least certain that no Colony of Great Britain can ever have given a more decided proof of

attachment to the Crown, and of a determination to support the Constitution and Laws. Absolutely destitute of military force of any description, in an extensive Province, with nearly half a million of inhabitants, a rebellion, openly and actively supported by six or seven Members of the Assembly, and promoted by the most inflammatory appeals to the multitude in favor of popular Government, has been promptly put down by the people themselves, at the same time that a formidable rebellion was raging in the adjoining Colony.

Your Committee will not content themselves with a mere allusion to an event of such deep interest to the people of this Province, as the recent insurrection in Lower Canada. In its progress and possible consequences Her Majesty's Subjects in Upper Canada were directly concerned, and they have watched it with intense anxiety—it was not, as in this Province, the consequence of the malice and folly of a few individuals influencing a comparatively small portion of the people. Feelings of national antipathy were brought into action, and large masses of the inhabitants excited to hatred of their Rulers by incessant misrepresentations, were known to be preparing deliberately for a struggle, in which they hoped that their numbers would enable them to defy all the force which the Government had it in their power to bring against them.

In no part of the British Empire have the blessings of a mild and just Government been more fully enjoyed than in Lower Canada, and it was no less

amazing than it was deplorable, to find that a few selfish and violent men could succeed in plunging a people, long characterised as a peaceable and inoffensive peasantry, into the guilt and horrors of a civil war. It has been a distressing spectacle to their fellow subjects, to see these unhappy men rush wickedly and wantonly into a contest, in which success, if it had been achieved, must have been utterly ruinous to themselves and their posterity.

Their rebellion, as they might have anticipated, has been promptly subdued by the Commander of Her Majesty's forces, but not without a formidable resistance, in which the gallantry of the troops and of the loyal volunteers of Lower Canada has been conspicuous, and in which the rebels have sustained great loss of life and property.

It is essential to the safety and prosperity of Upper Canada, that the supremacy of Great Britain should be firmly maintained in the adjoining Colony; and the common tie of allegiance to the Crown, as well as sympathy with those of British origin whom the French population have attempted to oppress and treat as aliens, have naturally enlisted the feelings of the people of this Province strongly in favour of the royal cause. Our zealous militia were, in consequence, forward in their offers to serve in aid of Her Majesty's forces in Lower Canada, but happily their services have not been necessary, to any considerable extent.

It is a peculiar disadvantage under which these two Colonies labour, that from the month of November to

May, they can receive no reinforcements direct from England. The instigators of the rebellion in Lower Canada therefore chose the autumn for commencing their operations, evidently, and indeed avowedly, with a view to this circumstance. Their colleagues in the traitorous attempt to wrest these Provinces from the dominion of their Sovereign, thought it advisable to prepare for rebellion in Upper Canada at the same season. But it is most cheering to find that instead of a struggle, protracted with difficulty until the opening of the St. Lawrence could bring fleets and armies to our aid, the Royal authority was speedily and fully established, and all traitors and abettors of treason brought under subjection to the Laws, in both Provinces, so that with but a slender military force in the one country, and with the militia only in the other, there was not an individual in arms against the Government, and not a portion of either Province in which legal process could not be executed by the ordinary means.

Still it is unhappily not in the power of the people of either of the Canadas to congratulate themselves upon the return to perfect peace and tranquillity, and this from a cause most unexpected and extraordinary, and which opens new considerations of such moment to our future security and welfare that they cannot be too earnestly dwelt upon.

Scarcely had the rebellion began in Lower Canada, when it was painfully evident that among the citizens of the adjacent State of Vermont, a strong

disposition was felt to encourage and promote it. If we look for motives to this unfriendly conduct, we can find none that are entitled to the respect or indulgence of mankind. Living upon the borders of Canada, these foreigners could not be ignorant that her inhabitants were not oppressed, but had in fact been treated, not merely with scrupulous justice, but with an injudicious indulgence beyond the bounds of right, an indulgence which had in truth encouraged the insolence of their factious leaders, and had begotten a feeling of contempt for the authority of a Government which had suffered itself to be driven into such unwise concessions.

No reproach lies against the Government of the United States, nor against that intelligent and respectable portion of society, which in well ordered communities usually influences public conduct and feeling, in matters of grave importance to the State.

The Federal Government, and the Governor of the State of Vermont, both earnestly remonstrated with their people against any interference in the affairs of a country with which they were at peace; and there were not wanting men of sense and virtue who early and sensibly exposed the injustice and gross impropriety of stimulating rebellion in a British Colony. But it was their mortification to find that the turbulent propensities of too many of their countrymen were not under the government of reason, and that great numbers of their people, acknowledging no restraint of justice or morality, and disregarding the obligation of

treaties, were giving an open and active support to the cause of rebellion in Lower Canada.

A portion of the public press in that State has not scrupled to promote it systematically, by disseminating throughout the period of this unhappy contest, statements of reported occurrences not merely untrue, but bearing not the slightest resemblance to truth—and no sooner has time exposed one series of fabrications, than another equally monstrous has without scruple been issued from the press. Within a few hours journey of a country with which they are at peace, and enjoying an unrestricted freedom of intercourse, their press has attempted to impose upon the public credulity by accounts deliberately invented, of victories, defeats and cruelties, all contrived to further the views of the rebels and their worthless leaders, until at last the truth becomes too manifest to be denied, and at the end of a contest in which they had declared that hundreds of the Queen's troops had been killed, and taken, and repeated successes gained by the insurgents, it is ascertained that those who had been in arms against the Government are utterly dispersed, and their leaders fled, or in custody—that the French population acknowledging their delusion are giving up their arms, and submitting to the laws, and that the whole loss sustained by the Queen's forces and the loyal inhabitants of Lower Canada, in suppressing this rebellion, of which the Vermont newspapers have given such startling accounts, does not exceed a dozen men killed.

For some years past, while the intemperate leaders of the faction in Lower Canada were threatening open resistance to the Government, it has been their habit to hold out to their followers the hope of assistance from the United States. This was little regarded by the British portion of the population, to whom such a hope, if indeed the faction did entertain it, seemed as insane as any other part of their project. The inhabitants of Vermont knew the people of Lower Canada to be in reality a highly favored people—that they had been permitted to enjoy their antient system of laws, with the additional protection of trial by Jury—that their religion is not merely tolerated to the utmost extent, but is expressly established in all its rights by Legislative enactments, and that they are more lightly taxed than the people of any of the United States, or perhaps any other civilized community in the world. Indeed to every intelligent man on this continent, the unreasonableness of the Canadians in rebelling against the indulgent and powerful Government of Great Britain, must have been quite as manifest as their absurdity.

The people of Vermont knew all this well, and they knew besides, that the whole population speaking the English language, including many thousands born in the United States, were (with a very few exceptions) ardent and firm in the support of their Government, and that the threatened disturbances in Lower Canada had really no other origin than a national antipathy to the British name, in which the descendants of Britons should not have participated.

Whatever irregularities may sometimes be excited in populous cities, among multitudes of uneducated and unemployed poor, it seemed not credible that the agricultural population of Vermont would really be found ready to violate the plainest rules of national law, and natural justice, and to add to the miseries of the human race, by urging on a rebellion, as sinful as it was hopeless.

Contrary, however, to the injunctions of their Government, meetings were held, and were very numerously attended, for the professed purpose of rescuing the inhabitants of Canada from British tyranny; arms and ammunition have been furnished, to assist them in their rebellion, and it seemed at one time that the spirit of volunteering for a campaign in Lower Canada was likely to become extremely popular, when it received a timely check from the gallant conduct of a party of Missisquoi militia, who attacked and routed a body of marauders of three times their number, taking their cannon and other arms which they had brought from the State of Vermont.

These extraordinary and unlooked for proceedings have but strengthened the preference felt by the British inhabitants of Canada for their own civil institutions, which neither encourage the inclination nor leave them the power so to violate the laws of good neighbourhood; and they have had the further effect of giving timely warning of a danger, which on any future occasion will be less formidable, from its not being wholly unexpected.

The manifestations of the same hostile feeling have been more general and decisive along the frontiers of Upper Canada, and have led to more serious consequences. To such lengths indeed have these unprovoked aggressions been carried, that it has been stated, with as much truth as force, in one of the most respectable journals of the United States, that so outrageous a violation of public rights has not been witnessed by civilized nations for a century. Even with the lesson before us of what was passing on the borders of Lower Canada, we did not harbour the suspicion that upon the frontier of our own Province we were destined to witness a display of the same unfriendly feeling, and the same remorseless readiness to involve a peaceable and unoffending country in the calamities of war. For more than twenty years, the inhabitants of Upper Canada have lived on terms of uninterrupted peace and friendship with the citizens of the adjoining State of New-York. During that time, not a complaint has been made of a duty violated, or an act of comity neglected. Speaking the same language, we had lived in the daily interchange of the most friendly offices, and not a token had been shewn of any unkindly disposition which might have put us on our guard. On our part, we had respected the American people for their enterprise and intelligence; we looked with no jealousy or apprehension on their increasing numbers; we believed that the growth of the christian religion, not merely in profession, but in practice, was producing among them its genuine fruits, and that they were sincerely and essentially pacific.

It can scarcely be conceived with what astonishment the people of Upper Canada found, that after the feeble attempt of a few infatuated persons to disturb the peace of the country had been instantly put down, by a simultaneous effort of their indignant fellow subjects, when not a vestige of insubordination remained, and when the militia-men who had been called from their families were returning in supposed security to their homes, they were about to be forced into a war, to prevent their property from being plundered, and their liberties subdued by the citizens of the United States.

It could not have been imagined that any considerable number could be found among our neighbours, willing to make common cause with a fugitive felon, whose general bad character must have been perfectly well known to them, and who had the shameless effrontery to hold out as a reward the plunder of his fellow-subjects, and the lands of his Sovereign, to whom he had solemnly sworn allegiance.

With regard to the great body of the people of the United States, it is impossible we can doubt that all who revere truth, and acknowledge the plainest obligations of morality, must look with abhorrence at the wrongs which their countrymen have been committing; and if the number of these is not sufficient to impose by their influence any restraint upon the lawless part of the community, it is no slight aggravation of the injuries we complain of, that they are committed under the pretext of bettering our condition, by forcing upon us a form of constitution of which such are the calamitous results.

It would be useless for your Committee to recapitulate facts so generally known in this Province, and of so universal an interest that they have occupied public attention for the last two months, almost to the exclusion of every other matter. The preparations openly made in the State of New-York for invading this Province, and long unresisted by the public authorities—the recruiting of a large body of American citizens, under an American leader, avowedly for this piratical service—the collection of arms and artillery, taken from the public arsenals—and at length, the invasion and occupation of a part of our country, on the Niagara frontier, are distinctly stated in the *letters of His Excellency the Lieutenant Governor, to Her Majesty's Minister at Washington, a copy of which we annex to this report. After the last of these communications was made, this piratical force repeatedly fired with their artillery upon the militia quartered near Chippewa, by which two or three militia-men have been killed; and until within a few days, it has been necessary to keep up a large force upon the frontier, to prevent a landing at Chippewa, or at any other point along the river. The more active interposition of the American Government, since the arrival of Major General Scott on the frontier, made it difficult for this armed band to continue longer embodied, and they have evacuated Navy Island, whether with the design of assembling again, and attempting an invasion at any other point, is yet uncertain.

* Appendix C.

On our western frontier, movements of a still more threatening character have been made, and perhaps a grosser insult, or more flagrant wrong, was never committed by one people upon another, than that of which the town of Amherstburgh, in the Western District of this Province, was lately the scene. With artillery and arms, obtained also in this instance from the arsenals of the State, (by plunder, as it is said) hundreds of American Citizens, commanded and officered by Americans, unprovoked by a single offensive act, deliberately took up a position in our territory, and from an armed schooner in our waters, fired with round shot and cannister upon the town of Amherstburgh.

What was hoped for from this expedition, will be seen in the printed proclamations of the leader of this invasion*—and it reflects infinite credit upon the spirit and loyalty of the inhabitants of that District, that they assembled with such arms as they were casually provided with, and without artillery, or the aid of a regular soldier, gave to these public robbers so timely a check, as we trust has opened their eyes to the danger of their proceedings, however regardless they may be of their criminality.†

Your Committee have annexed to this report, an editorial article, from a paper published in Detroit, called the Michigan Observer,‡ which is creditable to the feelings and moral courage of the American Citizen who has dared to tell the truth in the midst of this extraordinary excitement. Besides the band there

* Appendix D. † Appendix E. ‡ Appendix F.

described as consisting of 1,000, or 1,200 men, it is known that at several points in the interior of the State of Michigan, forces have been collecting for the purpose of invading Upper Canada; and nothing but the admirable conduct of our Militia, in assembling instantly at every point where an attack was threatened, has kept this hostile feeling in subjection. If a considerable success had been gained on any point of our frontier, there is great reason to believe that this abominable spirit which has agitated a portion of the American people—whether it be thirst for plunder, or a restless desire to extend the reign of licentiousness and anarchy over this Continent, or a latent hatred of the British name—would have burst beyond any bounds which their Government had power to impose, and must have brought on a public war.

Upon the earnest remonstrances of Her Majesty's Minister at Washington, the Government of the United States has at length taken the only measures likely to be effectual for quelling this piratical spirit, by sending to the frontier an experienced Officer of high rank in their army, with orders to enforce their laws. New and more adequate powers have also been given by Congress; and we trust that, at the present at least, peace will soon be restored to our borders.

In looking back upon the past, what strikes your Committee as most remarkable is, that in the midst of profound peace and apparent friendship, such a burst of hostile feeling should instantaneously have

shewn itself, without any cause that could, in the slightest degree excuse it—that in the first place the public authorities at Buffalo, and in the adjoining country, and afterwards the Government of the State of New-York, should have appeared to be so utterly inefficient for restraining their citizens from acts of undisguised hostility, and for preventing their own public artillery and arms from being used in making war upon the British dominions—that the Government of the United States should not have called more promptly into action the means most obvious to be used for preserving their national faith and honor—and that either the Government of the State of New-York, or the Government of the United States, could have allowed themselves, (as they both have done,) to apply the foul epithets of assassination and murder to that natural and justifiable act of self-defence, which resulted in the destruction of the Caroline.

There have not been wanting in the halls of Congress, men just and honorable enough to place this transaction in its true light, and to avow what all must have felt—that the act was one which the laws of nature and of nations warranted, and which duty required.

That any Executive Officer of the United States could have done such violence to justice as to call it an assassination, can only be accounted for by supposing that in a time of strong excitement, it is found prudent, if not necessary, from the nature of their Government, that they should appear to kindle in the

general blaze. The world will judge rightly in this matter between the American people, and their insulted and deeply injured neighbours.

Your Committee have given this imperfect sketch of recent occurrences in these Provinces, not with the hope that they can place before the Legislative Council any important information which they had not before acquired, but principally in order to bring distinctly into view the trials to which the people of this Province have lately been exposed, and the honorable manner in which they have passed through them.

The determination which the inhabitants of Upper Canada have shewn, in the recent contest, to preserve their connection with the Empire, makes it the duty of the Executive and Legislative authorities, which have been constituted for their protection, to defend them as much as possible from any danger which may seem to threaten its continuance, and to secure for them with vigilance the enjoyment of that form of Government for which they have shewn so decided a preference.

The present posture of this Province, and the events which have recently occurred, call our attention forcibly to two sources of danger—

1st.—The present condition of affairs in Lower Canada—and,

2nd.—The readiness which the citizens of the United States have shewn to afford active assistance to any portion of the population of these Provinces who may choose, either with or without reason, to rebel against their Government.

With respect to the Province of Lower Canada, we have not merely the motive of self-defence to engage us in an examination of the difficulties which now prevail there, but we are earnestly entreated by petition from our fellow Subjects in that Colony, to interest ourselves in their adjustment* The attempt to ascertain how these difficulties have arisen, should naturally precede the expression of any opinion, as to the best method of removing them.

It is usual to condemn, in strong terms, the want of foresight of the British Government, in not having taken the most obvious measures for making the Province of Quebec, after its conquest, at once and decidedly, a British Colony. What is meant by this is, that the English law, civil and criminal, should have been immediately established, and constantly maintained there—that all proceedings in the Legislature, and in Courts of Justice, should have been conducted in the English language alone, and that any peculiarities in the civil polity of the conquered people, should have been wholly abolished. It is reasonable to suppose that such a course would, in progress of time, have made the Canadians more truly a British people; and though it would have done violence to national feelings and prejudices, which deserve to be treated with respect, yet it could not have been accounted unjust on the part of their conquerors, and few persons, probably, would hesitate to acknowledge, that their situation would have been greatly improved, by

* Appendix G.

putting them perfectly on a footing with the other Subjects of the British Empire.

Still it is not surprising that the Canadians were indulgently allowed to retain their peculiar laws, and the use of their language in official acts, and in judicial proceedings. It arose, no doubt, from the circumstances of the time. At first, indeed, the English law, both civil and criminal, was introduced by Royal Proclamation, as a natural result of the conquest; and things continued on this footing from 1763 to 1774, when it was thought expedient to restore to them, by Act of Parliament, the enjoyment of their peculiar code of laws, "in all matters relating to property and civil rights."* This retracing of their steps by the British Ministry, probably arose from observing that the French Canadians continued to be strongly attached to their former system, and from a conviction that it would be imprudent to leave them any strong ground for dissatisfaction, at the critical moment when the other Colonies in America were evidently on the point of revolting from the Mother Country. What might have been the conduct of the Canadians under other treatment, we can only conjecture; but it is certain, that the efforts which were afterwards made by the revolted Colonies, to allure them into their confederacy, were unsuccessful, and that in general, the population of Lower Canada remained faithful to the Royal cause. The policy pursued by the Government was natural, under the circumstances, and seems to afford no just cause of complaint, though its conse-

* 14 Geo. 3, ch. 83.

quences at this day are, no doubt, to be regretted, as well on account of the Canadians themselves, as of their fellow-subjects of British birth; for unquestionably their system of land tenures, and their civil code in general, is much less calculated to advance the prosperity of the country, than the laws of England, which their prejudices have hitherto prevented the Legislature from adopting.

It is unnecessary to dwell upon the history of the Colony, before the period at which those questions arose that have led to the present difficulties. The matter which brought the Assembly, at an early day, into the most serious collision with the Executive Government, was the attempt made, during the administration of Sir James Craig, to give to a resolution of that body the force of law, in plain contravention of the terms of the Constitutional Act. A Judge of the Court of King's Bench was elected to the Assembly, a situation which he ought not to have desired, and to which the people, in the exercise of their discretion, should not have chosen him. Nevertheless, he was not ineligible, but clearly the contrary, under the express terms of the Constitutional Act, which makes all persons eligible, except those who labor under some one of the disqualifications which are set down in the statute, or who may be disqualified under the provisions of any Act which the Colonial Legislature should afterwards pass. Sir James Craig took the plain, undeniable ground, that the vote of one branch of the Legislature could not change the law, by creating a new disqualification; and he was un-

doubtedly right, in not suffering the Constitution to be borne down, either by popular clamour, or by the encroachment of either House.

In expressing his entire willingness to join in a Legislative enactment for effecting the desired object, he maintained the proper distinction between constitutional and arbitrary power; and if upon every important question, as it arose, the same course had been resolutely persevered in by the Government, not as a matter of choice, but as a duty, respect for the laws and Constitution would have exercised a salutary influence upon the social system, and the bounds of right and wrong would have been earlier understood, and more contentedly observed.

The contest which had been occasioned by the attempt of the Assembly to carry this point, gave rise inevitably to some degree of irritation, which found, as is usual, in process of time other grievances to inflame it. The successor to Sir James Craig, found the Colony in a state not very tranquil, and he made unfortunately the first step in a false system of Colonial Government, by an extraordinary effort at conciliation. He appointed to the Bench of Justice some of the very persons whose political conduct had been most obnoxious in the time of his predecessor; thus shewing that a path might be opened to the highest honors by a violent and factious opposition to the Crown.

The war with the United States of America engrossed the attention of the public, during the remainder of Sir George Prevost's administration; and the

Civil affairs of the Colony were so subordinate in interest to the military operations of that period, that he felt perhaps no immediate ill consequences of the dangerous example he had set in Colonial Government.

From this time however, there has been but little cessation of acrimonious contest in the Assembly; and indeed that attendant upon the representative form of Government was nothing more than was to be looked for under any circumstances. Freedom of discussion on political questions soon leads to warmth and vehemence; and when this natural tendency is strengthened by the motives which private interest or ambition, or worse impulses, will readily supply, it should neither surprise individuals nor terrify the Government, when they see attempts made to push the powers and privileges of the popular body beyond their due limit, either to gratify resentment, or to answer some more deliberate evil purpose. A Government at once prudent and firm would expect these excesses; and for the sake of the people would take care to prevent their endangering the existence of liberty, by confining each branch of the Legislature resolutely within certain well defined limits.

So long indeed as the Executive Government was to a reasonable degree independent, no fatal effect was likely to follow from such agitations. In the administration of Sir James Craig, the first attempt was made by the Assembly to obtain that unconstitutional control over the Executive Government of the Colony which should bring every public interest under abso-

lute subjection to their body. Up to that period the salaries of the Governor General, of the Judges, and of most of the indispensable Public Officers, had always been defrayed from the British Treasury, under a Parliamentary grant.

The Crown duties derived under the British Statute, 14 Geo. 3. Chap. 88. together with the Casual and Territorial Revenue of the King, received within the Colony, were by no means sufficient, at that time, to supply these charges. But the revenue raised under Provincial Statutes was of such an amount as enabled the Legislature, in the time of Sir James Craig, to undertake the payment of that portion of the Civil List which the British Parliament had up to that period provided for. They proposed to do this, and although in the unimproved state of that Colony, any revenue they could raise might have been most beneficially employed in opening and amending roads, and in other works of an indispensable nature, it is not surprising that the British Government should have been at any time willing to avail themselves of an offer to defray from it the expenses of the Civil Government of Lower Canada, rather than allow these to continue a charge upon the overburthened revenues of the Nation.

But then the most scrupulous care ought to have been taken not to surrender the Officers of the Crown imprudently into the hands of the Assembly, by leaving the provision for the Civil List upon that footing that the whole, or any part of it, could be withheld

whenever the Assembly might choose. Sir James Craig saw that the offer was not made in terms that would secure the Executive Government against this degrading and dangerous dependence, and he wisely declined it. But though the first offer was for this sound reason rejected, it was not easy to impress deeply enough upon the Government in England the necessity of keeping this important principle in view.

It was unhappily on a subsequent occasion lost sight of. The Parliamentary vote for the Civil List was discontinued, and His Majesty's Ministers were content that the Executive Government should depend upon the pleasure of the Assembly for furnishing annually those supplies which were necessary to its very existence. No security was exacted for the continued support of any one branch of the Civil Establishment: the chance that what the Assembly might do in one year, they, or another House, would not fail to do in the next, was unfortunately relied upon, and this important Colony was left in a state, which in the democratic Governments of America is felt to be incompatible with freedom. The Governor who was to enforce the civil authority, and the Judges who were to administer the law, were left at the pleasure of a popular body, frequently renewed, who might curtail, or deny them their salaries as they chose. From that moment to the present, there has been neither peace nor satisfaction in the conduct of the affairs of the Colony; no protection against the tyranny of faction, (which is the most unscrupulous of all tyranny,) and no adequate security for any principle or institution

which the power of the Legislature could prostrate or undermine. The honor of the Crown—the independence of the Courts of Justice—the peace of the Country, were by this abandonment of Constitutional principle, placed under the direct and absolute control of a few ambitious and vindictive political leaders; and all the evils that have followed can be traced to this source. They have accumulated till they have produced rebellion, and have come near to entailing upon the Empire the calamity of a foreign war—and it will be happy if the distressing consequences of this palpable error in policy have not raised in many thousands of minds, which could not under a more settled system have been dangerously agitated, an inextinguishable hatred of the British name.

It has put it in the power of the Assembly to exercise the most cruel oppression over individuals, and to subject the Government to numerous indignities; but what is infinitely more important, it has led to an acquiescence on the part of the Government, in repeated violations of the Constitution, and at last, because every thing that was asked by the Assembly was not surrendered, the Government was left for more than four years without the means of remunerating a single public servant, for the duties he had discharged under the King's Commission. Judges, Councillors, every department of the Civil Government, including even the Governor himself, were during that period absolutely unprovided for, and were compelled to serve gratuitously, and to obtain their living

as they could by other means, while a large balance of unappropriated money was lying in the Provincial Treasury. In bearing even this degrading consequence, rather than surrender the essential principles of the Constitution, the Government chose the proper alternative; but it was in the last degree cruel that such a ruinous weight should have been allowed to fall upon individuals; and we believe that in no part of the civilized world, except perhaps in a few other British Colonies, could such consequences have been made to follow a just and lawful resistance to the will of a popular body.

It could only have been under the difficulties produced by this unconstitutional and discreditable state of dependence, that the Provincial Government can have submitted, as they did, to allow the Assembly to expel a Member for giving his conscientious opinion, as Chairman of the Bench of Magistrates, when applied to by the Government for advice respecting the commission of the peace—to declare him to be, for that reason only, under a lasting disqualification to sit in the Assembly, and to expel him after repeated elections—

To declare by their resolution, that a Member appointed by the Crown to a seat in the Executive Council vacated his place in the Assembly, though it is plain that by the Constitutional Act no such consequence could follow, and that the Assembly were violating their charter by giving to their own vote the force of a law—

To withhold at their arbitrary pleasure Writs of Election for supplying vacancies which they had them-

selves created in different Counties, keeping such Counties unrepresented for several Sessions—

To deprive certain offices of indispensable necessity of every shilling of emolument, by leaving them out of the bill of supply, for no other reason than that the persons filling them had openly, and in the exercise of their right as free men, expressed opinions adverse to the pretensions of the Assembly, upon public questions—

To pay to themselves, by their own mere vote, such sums as they chose to allow themselves for their attendance in the Assembly, though the allowance was sanctioned by no law whatever, and although every shilling of the revenue which was applied in paying it, was by the Statutes under which it was raised expressly reserved to be disposed of by act of the Legislative Council and Assembly, assented to by the King—

To pay out of the same revenue, by their own mere vote, large salaries to Agents in England, appointed solely by themselves, whose chief employment was to vilify the other two branches of the Legislature, entitled equally with the Assembly to a voice in disposing of that money—

To expunge from the Journals of the House a communication from the Secretary of State for the Colonies, in the name of their Sovereign, upon the affairs of the Province, laid before them by His Majesty's command—

To erase contemptuously from their Journals the Speech of the Representative of their Sovereign, pro-

nounced from the throne, at the conclusion of a previous Session*—

To prorogue themselves when they pleased, departing to their homes with the avowed intention of putting an end to the Session, and leaving the other two branches unable to proceed further in the public business, thus usurping one of the plainest prerogatives of the Crown.

If the ordinary and indispensable charges of the Civil Government had been placed, as the Constitution of every well governed Country demands, beyond the reach of the mere caprice of one branch of the Legislature, some of these cases of gross injustice could never have occurred; and for all of them there was at least a powerful check provided, and within the exercise of the Royal prerogative, which your Committee presumes was not resorted to merely from the unwillingness to prejudice the chance of obtaining the annual supply, an object for which it seems to have been thought necessary to encounter almost any humiliation.

It is hardly necessary to remark, now that rebellion has just done its worst, that this series of concessions, with others that might be added to the list, failed wholly to conciliate the Assembly which extorted them. On the contrary it is plain that they only stimulated them to urge more unreasonable claims, in the same violent tone which had been so successful; for they were no longer restrained by a feeling of respect for the other branches of the Legislature, whose rights they had been allowed so repeatedly to treat with contempt.

* Appendix H.

It is difficult indeed to understand what practical good could be expected to arise from meeting in Session the same House of Assembly, which had expunged the Speech of the King's Representative from their Journals.

But even if there had appeared some ground of hope, that the Assembly could be won upon by these repeated sacrifices of principle, still the Government should not have felt themselves at liberty to make them. The benefit they were seeking in return was temporary; the inroads permitted to be made upon the Constitution were likely to prove injurious for ever; and besides, there was a portion of the people which viewed such proceedings with alarm, and remonstrated earnestly against them; and however small their number in comparison with those who supported the Assembly, they were entitled to the utmost protection of their Government, because they had right and reason on their side.

But the apparent insensibility to the danger of placing the Civil List within the annual control of the Assembly, was attended with a consequence far more injurious than any that has been noticed. It reduced the British Government to the necessity (in their opinion at least,) of violating, in the most important particular, the Constitution of the Colony. Even so early as the time of Lord Bathurst, the Government of Lower Canada was in a state of such embarrassment and confusion, from the total failure of the Assembly to provide for the Civil List, that Lord

Dalhousie, then Governor General, was directed to cause the necessary payments to be made from the Provincial Revenue, without the sanction of any Act of the Legislature. We do not say that this direct violation of the law of the Province was, or could be justified by any necessity. On the contrary it would have been better, in our opinion, even to have repealed the Constitutional Charter, by the unquestionable authority of Parliament, than to suffer it to remain in full force, and at the same time to sanction its direct infringement by an Act of the Executive Government.

But the fact that the difficulties arising from the want of a settled provision for the ordinary expenses of the Civil List, *did* lead the Government to adopt a measure so certain to be injurious to their character, and to the future peace of the Colony, and to preclude all amicable intercourse between the Government and the Legislature, is of itself an unanswerable proof that it ought never to have been thought possible to leave the affairs of the Colony upon such a footing.

There would be little satisfaction in bringing under review the series of perplexing difficulties into which the Government of the Colony was thrown between 1817 and 1828, by this fruitful cause of disorder. Every year these difficulties increased, and the attempt to surmount them, and an honest desire to guard the Constitution, and to protect against violence and insult the servants of the Crown, and the supporters of British institutions, brought upon a benevolent and high-minded nobleman, (Lord Dalhousie,) a torrent of vile

and unjust abuse, and a series of contemptible insults and persecutions, against which he was not sustained in a manner worthy of the great Nation in whose service he was employed, and of his own high station and unblemished character.

In 1828, when the contentions we have described were at their height, petitions to the King, very numerous, signed, were sent from Lower Canada, by agents who were employed to further the views of the petitioners. These were statements of grievances by opposing parties—on the one hand, the French Canadians, adopting the language and complaints of the Assembly, charged the Executive Government and the Legislative Council with many delinquencies: and on the other hand, the British and American population set forth evils, which they alleged they had suffered from the national prejudices, and the perverse conduct of the Assembly.

His Majesty's Government in England did neither deal with these petitions in the ordinary manner, by deciding upon their prayer according to the judgment, and of course upon the responsibility, of the proper Minister of the Crown; nor was recourse had to the undoubted power of Parliament for settling any of the contested points by a Legislative enactment—but a middle course was taken, and one that, in its application to Canada at least, was perfectly novel.

A Select Committee was appointed in the House of Commons, on the motion of the Colonial Minister, for the comprehensive purpose of "enquiring into the

“ Civil Government of Canada, and reporting their “ observations thereupon to the House.” Having heard the statements of such persons acquainted with these Provinces, as happened at the time to be accessible, and as they chose to call before them, this Committee made a Report, in which they discussed many of the points in controversy, and expressed an opinion upon them, though not in all cases definite and conclusive : adding, by way of summing up, that “ the embarrass-
“ ments and discontents which had long prevailed in
“ the Canadas, were in a great measure to be traced to
“ the manner in which the system of laws, and the
“ established Constitution had been administered.”

It is not the intention of the Committee to enter into an examination of the opinions expressed, or of the advice offered in this Report of the Select Committee of the House of Commons, though such an examination might not be altogether unprofitable. The result of this proceeding was, that without any public discussion of this Report—or of the questions and interests which it involved—without even a motion for its adoption in the House of Commons, and without any investigation or expression of opinion by the House of Lords on any of the important topics it embraces, it has been avowedly advanced and relied upon by successive Secretaries of State, as a kind of settlement of Canadian politics, by which His Majesty’s Government, and these Provinces, so far as the power of the Executive extended, were to be hereafter bound.

Your Committee is aware, that to a great portion of the people of Canada this has always appeared to be a singular innovation in the Colonial system.

The Ministers of the Crown are responsible to Parliament, and to their Sovereign, for their decisions and measures; they are open too, at all times, to the statements and vindications of persons, whose conduct may be called in question, or whose interests are liable to be affected by their acts. The inhabitants of the Canadas are well aware, that besides their subjection to this Constitutional power of the Executive Government, they are liable (and they acknowledge it without jealousy,) to have their political condition regulated and altered in any manner that the Supreme Legislative authority of the Empire may think fit. But they know also, that the passing of an Act by the British Parliament, implies an open, grave discussion of the questions involved, in two numerous assemblies, with all the advantages of the talent, sound judgment, experience and various information, which are certain to be found there. It implies also the sanction of the Sovereign.

Here a third course has been adopted, which has given to the people of these great Colonies neither the security of the responsible Ministers of the Crown, nor of the wisdom and justice of either House of Parliament—but which enables the Colonial Department to dispose of the most important and delicate questions of civil policy, by professing to conform scrupulously to

a standard laid down by a Select Committee of the House of Commons.

It is to be considered that the Members of a Select Committee are named by the mover of it—that the selection may have been influenced by a knowledge of the sentiments of many of them—that it is no uncommon practice to place upon Committees, out of mere complaisance, or in order to give an appearance of impartiality, persons of extreme views in respect to the point at issue; and that it is by no means impossible that some of the gentlemen who may upon this occasion have entered warmly into the complaints of the Assembly of Lower Canada, may have been persons whose recommendation to their constituents for a seat in the House of Commons, was their declared hostility to principles which not only the King's Ministers, but a great majority of both Houses of Parliament, must feel themselves bound in duty to support.

When it is considered further, that the enquiry to be instituted was wholly within the discretion of the Committee, as to the persons to be examined, and the questions to be asked, that with regard to one of the Provinces, whose Executive Government was so decidedly censured, the examination was altogether *ex parte*—it being wholly unknown in Upper Canada that such an enquiry was intended; that this Report passed, as it is said, only by a casting vote, and was never brought into public discussion even in the House to which it was addressed. When these things are considered, it can scarcely be expected that such a docu-

ment can, with much satisfaction, be regarded by the people of Upper Canada as a sort of second Charter, by which their most important interests are to be implicitly governed. They can feel no assurance that there are not in that Report more than one principle assumed, and opinions expressed, which, if fairly discussed, might not meet with the concurrence of either House of Parliament; and is not probable that any one would willingly consent to have his private interests bound by the opinion of a majority of a Committee of the House of Commons, resulting from such an enquiry.

Your Committee further submit, that it is not unreasonable to look with distrust upon such a mode of adjusting the most important Colonial interests, when it is considered, that although His Majesty's Secretary of State, professing to follow it implicitly as his guide, has given to the opponents of the Colonial Government the full benefit of every relaxation which it recommends, there has been no scruple in departing from it in the contrary direction. In other words, it stands as a security for every suggested concession, but not as a security for those points which the Committee had recommended to be guarded, against popular encroachment.

For instance, the Committee recommends that the Governor, the Members of the Executive Council, and the Judges, should be secured in the receipt of their established salaries, before the duties levied under the Statute 14 Geo. 3. should be surrendered to the Legislature.

His Majesty's Government has surrendered, in Lower Canada, the whole of these duties, without securing any salary whatever, either for the Officers named, or for any other Officers.

The Committee recommends that the Casual and Territorial Revenues of the Crown should not be surrendered to the Legislature.

Her Majesty's Government seems eagerly desirous of making such a surrender, although it must necessarily deprive the Queen's Representative in the Colony of the power of doing a single act of grace or favor, or of charity, in the name of his Sovereign, or of meeting, otherwise than from his own private funds, any extraordinary and unforeseen disbursement which the exigencies of the public service, and, under some circumstances, the public safety may require him to provide for.

The Committee recommends that the King should retain the power in the Colonies of removing a Judge from his office, or in other words, that the commission should be to hold during pleasure.

The Government have not in this instance adhered to the report, but on the contrary, have shewn a strong disposition to render the Judges independent of the Crown in both Colonies, and in Upper Canada have assented to a measure for that purpose.

From what your Committee have stated, it can not but appear, that the successive Ministers for the Colonies, in professing to take this report for their guide, have substituted for their own responsibility the

apparent sanction of Parliament, but in reality nothing more than the opinions of a majority of a Select Committee, unconfirmed by any other authority, and not subjected to the test of any public examination or discussion—and those opinions the result of an enquiry conducted without the knowledge of the Government whose conduct was implicated, or of the people whose most important public interests were concerned; and moreover, that the opinions of this Committee, while they are confidently relied upon as warranting to the full extent any concession which they recommend, are not allowed to interpose an obstacle to any concessions from which they have thought it prudent to withhold their sanction.

Whatever may have been expected from this report of the Committee of the House of Commons, it had no permanent effect in restoring tranquillity to Lower Canada, or in arresting the violent measures of the French Canadian leaders. They soon returned to their intemperate abuse of the Government, and in the midst of the outcry, Lord Dalhousie was removed.

A temporary calm followed, as is usual, the accession of the new Governor; but his administration was wholly unimportant as regarded the settlement of any question that had arisen between the Government and the Assembly. The only variety produced by the change was, that the outrageous abuse, of which the head of the Government had before been the principal object, was for a time distributed among his noble Predecessor, the Legislative Council, and the King's

Ministers. Things however began to revert to their former state, so soon as it became evident that the resolution of Sir James Kempt, to take nothing amiss from the Assembly, was not likely to lead the way to any decisive changes, and that his policy had no higher object than to save himself from the disaster of being thought an unpopular Governor, and from the annoyance of those brutal attacks which no firm friend of the Constitution had the slightest prospect of escaping for any length of time.

The Assembly renounced none of their pretensions, and all that the new Governor gained by such concessions as were made, and by the sacrifice of feeling, which it must have cost him to listen with complacency to the most ungenerous calumnies upon his Predecessor, mingled with compliments to himself, was the grant of an annual supply, so defective, and accompanied with conditions so objectionable, that His Majesty's Ministers expressed their regret that it had been accepted.

In the subsequent stages of their controversy with the Government, the Assembly soon took the more peremptory course of refusing absolutely to grant a shilling of supply for the support of the Civil Government, until certain radical changes should be made in the Constitution.

Happily these desired concessions were so extensive that the British Parliament alone could grant them; and by making them nevertheless the condition on which alone they would enable the Government to pay its Officers, and to defray the charge of adminis-

tering Justice, the Assembly compelled the adoption of some line of conduct for bringing the admissibility of their pretensions to a final decision. Perhaps, also, it is not to be regretted, that the necessity for this decision has been further hastened by what appears to have been an act of singular improvidence on the part of the Government in England.

Up to the year 1831, the Crown duties levied in Lower Canada under the British Statute 14 Geo. 3. Chap. 88. enabled the Government to pay a very considerable portion of the Civil List, and at no distant period, they would probably have sufficed, in addition to the other Crown Revenue, to meet the whole charge. Those duties had been imposed by Parliament in 1774, as a substitute for other duties much more burthensome, which the Canadians at the time of the conquest were bound to pay, under an edict of the King of France. This appears upon the face of the British Statute,* by which also the proceeds of the new duties are expressly directed to be applied, in the first place, towards defraying the expenses attending the administration of Justice, and the support of the Civil Government within the Colony, under the direction of the Lords Commissioners of the Treasury.†

This revenue had been for a long series of years received and applied in conformity to the Statute, without question or complaint; and even after the Legislature had been allowed to assume the payment of those charges of the Civil List, which the British

* 14 Geo. 3, ch. 83.

† Appendix I.

Parliament had been accustomed to provide for, they expressly made their grant in such terms as shewed their intention to be to make up the deficiency that might be required, after the application by the Crown of the duties levied under the Statute 14 Geo. 3. thereby repeatedly acquiescing in the right of the Crown to make such application.

Nevertheless the Assembly did at length, among their grievances, complain that these duties were wrongfully withheld from their appropriation.

The British Parliament had by their Act 18 Geo. 3. chap. 12. passed during the contest in America, declared that "*they would not after the passing of that Act impose any duty payable in the Colonies, except such as might be expedient for the regulation of Commerce, and that the proceeds of any duties which might be imposed for that purpose, should be subject to the appropriation of the Colonial Legislature*."

The Assembly contended that as this was a renunciation of the right to tax, it amounted to a virtual repeal of the previous Statute of 14 Geo. 3.

But on the other hand, it was to be considered that, as the 18 Geo. 3. was nothing more than a declaration of Parliament, that they *would thereafter* impose no duty, &c. it could not have the legal effect of abolishing a duty which *had been imposed before*; and more especially, when that duty was but a substitute for heavier duties which were in force in the Colony when it was conquered, (among which was one of three per cent. *ad valorem* on all dry goods *imported or exported*.)

and upon the legality of which the Canadians could raise no dispute; that the Crown Officers in England had given an express opinion that the Statute 14 Geo. 3. was not affected by 18 Geo. 3.; that other British Statutes anterior to 14 Geo. 3. imposing duties in this and in other Colonies, stood upon the same footing, and were not complained of; that the proceeds of these duties were applied strictly to pay public charges of the Colony, as the Assembly well knew, and such charges as the Assembly had by their Acts repeatedly recognised and sanctioned; and further, that the Assembly had in their Acts repeatedly recognized the appropriation of these duties by the Crown, as rightful and legal.

This being the statement of the case, the utmost that could fairly have been expected by the Legislature was, that whenever they should make a reasonable provision for those charges which the 14 Geo. 3. now enabled the Government to meet, they might be allowed to appropriate the duties raised under that Statute, or might obtain, if they preferred it, their total repeal.

The Committee of the House of Commons upon Canadian affairs, in 1828, took this view of the question, but they satisfied themselves with recommending that the Government should accept a provision for a very limited number of Officers, viz. the Governor, the Judges, and the Members of the Executive Council.

In 1831, the Secretary of State, intending as it would at first appear, to act on this recommendation in

respect to the relinquishment of the right to appropriate, but with a more cautious regard than the Committee had discovered to the necessity of maintaining the efficiency of the Government, directed the Governor of each of these Provinces to inform the Legislature, that upon their providing more permanently than by annual vote, for certain public charges which were specified, (and which included more salaries than the Committee in 1828 thought it necessary to recommend,) the right to appropriate the duties raised under the Statute 14 Geo. 3. would be transferred to them by an Act of the Imperial Parliament.

It is to be regretted that in a case where not law only, but reason and justice were so clearly on the side of the Government, they should have been content to stipulate for any thing less than the ordinary understood charges of the Civil List, including the expense of administering justice, according to such estimates as the Legislature had in each Province repeatedly sanctioned. Whatever in this respect was reasonable and necessary, from 1815 to 1830, in Colonies increasing rapidly in population, could not become less so as these Colonies advanced; but on the contrary, any Civil List that would be reasonable at the current time, was certain to become inadequate to meet the wants of the public service as their condition expanded.

For the requisite means of meeting this increased charge, it might have been thought not imprudent to consent to depend on the Legislature; but it seemed neither just nor considerate in the Government to abandon unnecessarily to the result of annual discus-

sions in the Assembly, numerous charges of the Civil List, as indispensable, and as meritorious, as any of those for which they stipulated, although not annexed to Offices of the same dignity.

If instead of proceeding as they did, the Government had on this occasion proposed to Parliament an Act, providing that whenever the duties under the 14 Geo. 3. chap. 88. should produce a sum more than sufficient to defray certain necessary charges, which might have been specified, (and which should have been merely such as the Assembly had repeatedly voted,) then the excess should be placed at the disposal of the Colonial Legislature; and that whenever the Colonial Legislature should provide permanently, out of other funds, for the same charges, then the duties under the Statute 14 Geo. 3. should cease altogether, such a measure could not have appeared unreasonable, nor would it have done any disservice to the Assembly to have thus placed out of their reach the temptation to disturb the peace of the Colony, by such contests as have taken the place of all useful business for the last ten years, and have at length plunged their Constituents into the guilt and misery of rebellion.

By thus obtaining a permanent provision for the administration of Justice, and the ordinary charges of the Civil List, the Government would only have been rendered as independent as it is in England, and in the republican States of America. How it could ever have been thought prudent or just to make it less so, it is not easy to understand.

But the extraordinary fact is, that the Government not only did not insist upon securing a reasonable and sufficient Civil List, but they seem to have made up their minds to the fatal concession of surrendering to the Assembly the duties under the 14 Geo. 3. without insisting upon obtaining any equivalent whatever, and the measures pursued by them, have ended in placing things in Lower Canada upon that ruinous footing.

While the 14 Geo. 3. remained yet unrepealed, the Secretary of State directed the Governor of each Province to make a communication to the Legislature, offering to surrender the duties in question, and expressing a desire, that they would provide the usual salaries for the Governor, Judges, Members of the Executive Council, and several other Officers. In Upper Canada the opportunity was first afforded of considering this proposition, and the discussion ended in a bill being passed establishing a permanent Civil List, but very far short in amount of that suggested by the Secretary of State, and in fact giving little more than half of the compensation which had been asked, in return for the proposed surrender.

The Act was accepted however, and while not a shilling had yet been granted, by the Legislature of Lower Canada, a bill was brought into Parliament for placing at the disposal of the Legislature in each Colony their respective proportions of the duties levied under the 14 Geo. 3. It was objected in the House of Lords by Earl Bathurst, and by the Duke of Wellington, that such a measure would reduce the Civil Government to a state of dependence on the Assembly,

which would be utterly destructive of its character and efficiency, and would prove ruinous to the peace of the Colony. They were answered by an assurance from His Majesty's Secretary of State for the Colonies, that it was not intended to surrender the duties unconditionally, and on this explanation the bill was allowed to pass, not however with the assent of His Grace the Duke of Wellington, who entered a protest* in language which shewed his perfect sense of the imprudence of the measure, and his patriotic desire to prevent the coming evil.

Whatever may have been the intention or understanding of Lord Goderich, the bill was in reality so framed, that it was a plain surrender to the Colonial Legislatures of the monies raised under the Statute 14 Geo. 3. without qualification or reserve. It was looked upon in no other light here or in Lower Canada; and when it became necessary for the British Government, as it soon did, to consider what was really the effect of their measure, it was found capable of no such construction as had been intimated, while it was under discussion in the House of Lords.†

The British Government having gone so far beyond the recommendation of the Canada Committee, as to surrender without equivalent the revenue which would have supported the most necessary Offices, and rendered the administration of Justice independent, it remained to be seen what would be the effect upon the Assembly of this romantic confidence in their liberality and sense of Justice. The result, it need

* Appendix J. † Appendix K.

not be said, has disappointed the expectations of no one on this side of the Atlantic.

The Government having left itself without resource, has been left by the Assembly wholly destitute, and after four or five years of unmitigated insult and violence, without a single grateful return, or respectful expression, the Government has at length been compelled to pay its Judges and other Officers their large arrears of salaries out of the Military Chest of England, while a large amount of unappropriated monies is lying in the Provincial Treasury: and when the remedy which it is proposed to adopt for this inconvenience and injustice is considered, it will be seen at once how strangely inconsiderate has been the policy of the Government, in this very delicate and important matter.

The measure proposed by Lord John Russell's resolutions of 1837, is to take from the Provincial Treasury the money which the Assembly has declined to grant. The Provincial Statutes by which this money was raised, reserve the right of appropriating it expressly to the Legislature, and the taking it by any other authority is a direct violation of the Law, and a plain infringement of the Constitution. How much better would it have been to have exerted the firmness necessary to preserve what by law and in justice belonged to the Crown, than by tamely surrendering it to incur the necessity of dishonoring the Crown, and furnishing the Assembly, in the midst of their factious violence, with a ground of complaint, infinitely more substantial than all the grievances they had been inventing for years!

Far from being improved in temper and demeanor by the unlimited confidence that had been so incautiously placed in them, the Assembly became more rudely violent than ever; and instead of employing themselves in any thing useful to the Colony, they proceeded from one intemperate act to another, till at last they impeached the Governor General, the Legislative Council, and the King's Ministers, in ninety-two outrageous resolutions, such in matter and manner, as it might have been supposed, would have discouraged any further attempts to cure the evils of Lower Canada by conciliating the Assembly. In one sense the course taken by the Assembly was honest, for in these resolutions they plainly announced to the King's Ministers, that they would do nothing that had been expected of them—that what they wanted was a Republican Government, which His Majesty might grant them if he pleased, but which they were resolved at all events to have, and if necessary, by rebellion, in which they doubted not they would be assisted by the United States.

After this declaration, it surely could not have been thought in England that there was any great mystery in the disorder which had deranged the state of the Government in Lower Canada; and it was expected, that His Majesty's Ministers would have repaired their error, by retracing at once their steps with regard to the Crown Revenue, and repealing the Act which had been improvidently passed. But it was thought expedient first to send out a Commission of inquiry to Lower Canada, and to remove the Gov-

ernor General, Lord Aylmer, against whom the Assembly had raised a clamour, as violent and indecent as it was evidently unjust.

With respect to the Commission, it was not obvious what particular advantage could be expected from it, unless it had for its object the supporting the cause of truth and reason, by procuring the judgment, after inquiry on the spot, of some one or more public characters of acknowledged talents, commanding station, sound political principles, and enlarged experience. The weight which would have been conceded to such opinions might have warranted the expense and delay incurred by the inquiry. But the selection that was actually made did not offer the hope of any such advantage.

In the Provinces of Canada, containing together a population nearly half as large as that of Scotland, various constitutional questions had been agitated, which in Lower Canada at least had arrayed a large portion of the people against their Government. If in any or all of these questions the Government really had right on their side, it might be desirable that an opinion to that effect should be given by some unbiassed judge of acknowledged competence—but how could it strengthen the Government in such a contest? or how could it tend to procure submission to any great public principle, to announce to the world that it had received the sanction of any or all of these Royal Commissioners? Their testimony, at least till they had acquired a known reputation, could weigh little or nothing in the balance against popular prejudice,

while on the other hand, the bare circumstance of their acting under the King's Commission, was sufficient to give to the opinions of either of them, when they bore against the sound principles of the Constitution, and supported the unreasonable desires of a discontented people, a very undue and injurious influence.

If one or more Commissioners, of known high character for sagacity and sound political views, had come to Lower Canada, armed with powers given by Parliament, to receive evidence on oath in support or refutation of any alleged cause of complaint, and bound to give to the public Officers who had been aspersed the opportunity of openly vindicating their conduct, some good might have arisen from the inquiry. But your Committee do not believe, that in the result of the proceedings of the Commissioners any advantage will be found that will at all compensate for the degree in which the honor of the Government has been compromised, by the measures which they adopted and advised. Their published Reports do not affect to conceal their hopes and their attempts to win over, by other means than a plain and independent discharge of their duty, the individual members of a party, whose dishonourable want of fidelity to their Sovereign was then as certain and notorious as it has become since, although they had not so openly committed High Treason.

Let any one who will submit to the disgusting drudgery, read through the Ninety-two Resolutions passed by the Assembly of Lower Canada: let him

then consider that the known and avowed author of these Resolutions was taken from the Assembly by my Lord Gosford, and placed, reeking, upon the Bench of the highest Court in the Colony—there to administer justice in the name of the King of England: let him then imagine some one of the many poor, deluded wretches, who have been lately taken in arms against their Sovereign, brought before this Judge, to answer for the Treason; why should he not say boldly to the author of the Ninety-two Resolutions—Shew me what I have done, that *you* did not *incite*, and *advise*, and *encourage* me to do. If I am guilty of Treason—a crime in which all that are concerned are principals—how can *you* be less so, who urged me to the act?

We are told on Sacred authority, “that Governors “ are sent by the King for the punishment of evil-doers, “ and for the praise of them that do well.” Lord Gosford does not appear to have understood this to be the object of his Government.

After the Commissioners had closed their proceedings, the Government of the Colony was directed to make a last attempt, in the face of insult and defiance, to procure from the Assembly some kind of supply for the exigencies of the Public Service. But happily, the Assembly were for no half measures; and finding, by the accidental publication of the Commissioners’ instructions, that some of the essential principles of the Constitution were not to be sacrificed, they disdained all soothing treatment, and would not grant even a temporary relief. It is well they did not; for the obtaining a defective Bill of Supply for the current

year would have been of little value to any but the unpaid Officers, and their creditors, while the Commissioners would have imagined, and probably led others to imagine, that they had really overcome those difficulties which had occasioned the recall of Lord Dalhousie and Lord Aylmer.

Nothing whatever was gained from the Assembly ; and at last the British Government having recalled one Governor General after another, and lavished upon the Assembly, to no purpose, expressions of confidence, which could scarcely have been sincere ; and having promoted to offices of honour and trust, and even to the Bench of Justice, the most intemperate calumniators of the Government, have been reduced to the necessity of providing some remedy for evils which have at length become intolerable. Whether the remedy will be that, and only that, which was contemplated by the Resolutions offered to Parliament by Lord John Russell, in the last Session, we of course are ignorant. Recent occurrences in Lower Canada may incline the Government to propose something more decisive in its character.

It is impossible, in the opinion of your Committee, that any one conversant in the affairs of Lower Canada, can look upon the Resolutions referred to, as pointing out a satisfactory course. They provide but for the present moment, and that in a manner most liable to exception ; for clearly, the Government has no right, and none can be given to it, to take from the Provincial Treasury, monies paid into it under Acts of the

local Legislature—which Acts expressly reserve to that Legislature the exclusive right of appropriation.

The Constitutional Charter, under which the Colonial Legislature acts, may undoubtedly be rescinded by Parliament; but while it is suffered to stand in force, it ought not to be violated. The case is not such as to require so desperate a remedy—and it is hardly possible, perhaps not possible, to conceive any case that would warrant it.

Throughout the extraordinary contests which have brought things to their present state, and during a long period of similar agitation in this Province—which has been terminated by the firm and constitutional manner in which the Government of the Colony has been conducted—the friends of the Crown have had the mortification to observe an apparent want of confidence on the part of the British Government in their power to give effect to sound principles and views. It cannot be supposed, that it can be the desire of any Minister of the Crown to substitute a Republican form of Government for that which we now enjoy; but nevertheless, those who have been obviously, and indeed avowedly labouring to bring about such a change, have been suffered to proceed to extraordinary lengths unchecked—and we regret to add, that they have in many instances, met with no slight encouragement to persevere. Not merely have the patronage and countenance of the Crown been extended to persons distinguished by their violent and unjust opposition to the Colonial Government, but successive Governors have been recalled just at the moment when they had

acquired a knowledge of the real state of the country they were governing, and had learned the utter folly of concessions, which had no other effect than to weaken the authority of the Crown, and to add to the power and audacity of traitors in heart—who, presuming upon the want of energy and firmness in their Rulers, have become traitors in fact.

It is alarming to reflect how little reason we have to doubt, from what we have witnessed for many years past, that if the leaders of the late rebellion in Lower Canada had been less bold and open in their defiance—if they had deferred their resort to arms—and had consented to employ a little of the management which, it is avowed in the Report of the Royal Commissioners, was resorted to by the Government—there is hardly any thing they could have desired which it seemed beyond their power to have obtained as a concession.

No one can read the Report of the Commissioners without being convinced, that the protection of British principles and feelings in Lower Canada, is mainly to be ascribed to the insane violence of Mr. Papineau, which made him an impracticable person for the Royal Commissioners to treat with.

It is plain on the face of their Reports, that if the Commissioners, by the extraordinary direction which they gave to their civilities, and by the use they were willing to make of the patronage of the Crown, could have succeeded in getting any kind of Supply voted, though but for a single year, they would have imagined they had achieved a decisive and valuable victory :

when, in truth, nothing would have been gained that ought to have been considered an equivalent for the sacrifice of a single principle, or the admission of an unjust encroachment.

If the conduct of the inhabitants of the British North American Colonies, at the present eventful crisis, shall dispel an illusion which seems to have prevailed in England, that popular doctrines and movements cannot be safely withstood on this Continent, however repugnant they may be to truth and reason, then we shall have gained something that may make our enjoyment of rational liberty more secure in future, than we have felt it to be in times past.

The party, in deference to which the Government has so long forbore to enforce its just rights, have at length tried their worst, and have shewn so great a disproportion between their inclination and their ability to defy the Government of their Sovereign, as we trust may embolden the Ministers of the Crown hereafter to afford their assistance to their fellow Subjects in maintaining the Royal authority.

As respects Lower Canada, circumstances are only so far changed by the rebellion that the necessity for coercive measures has become more apparent, and may be supposed to have been increased by the feeling which a resort to arms has inevitably given rise to. In effect that Colony has been in a state of anarchy for two or three years past; and the question no longer is, whether decisive measures shall be taken, but what those measures are to be. The safety of Upper Canada is directly concerned in the course that may be adop-

ted, and your Committee will therefore venture to express such opinions as they have formed, in respect to the several remedies which they have heard suggested.

As the resolutions introduced by Lord John Russell, in the last Session, make no provision against future difficulties, it would be of little use to discuss them.

By repealing the British Statute which surrendered the King's right to appropriate the duties raised under the Statute 14 Geo. 3. a revenue would revert to the Crown, sufficient to meet the most important items of the Civil List, and the Casual and Territorial Revenue would afford a further resource, but fluctuating and uncertain in amount. The deficiency would be but a light burthen on the Provincial Revenue, for the difficulty hitherto has never been occasioned by the want of means, but by the determination of the Assembly to make their control over the ordinary expenditure of the Government the means of gratifying their resentments, and of overthrowing the Constitution of the Province.

With an abundant Provincial Treasury it would be unreasonable, that the British Nation should again assume those charges for the Canadian Government which at an early period were defrayed by Parliament; but either that must be done, or means must be taken to ensure the right application of so much of the Provincial Revenue as is necessary to maintain the Government.

If the present Assembly of Lower Canada were dissolved, and a new one chosen, the Legislature might be again convened, and plainly told, that unless they would provide permanently for the ordinary Civil List, the Colony must be governed in another form; and the alternative should not be proposed to them as an idle threat, but should be deliberately and firmly submitted to their choice.

Your Committee do not hesitate to say, that a representative form of Constitution should never have been conferred on any Colony, until the administration of Justice, and the necessary charges for the Civil Government, had been so provided for as to secure them against the caprice of either branch of the Legislature—or at least the passing an Act for that purpose, in the first Session, should have been the condition on which alone their Charter should continue in force; and such an Act would be the best evidence a Colony could give of its desire to guard the integrity of its Institutions. The observation of what has passed in Lower Canada within the last twenty years can leave no doubt on this point.

The Assembly, under the guidance of two or three leaders, who have any thing in view but the public good, become involved in an altercation with the Governor. The only ground for the quarrel probably is that he feels it to be his duty, for the sake of the Colony, to defend the Constitution from popular encroachment.

In the hope of compelling him to yield, the Assembly refuses the Supplies; this refusal occasions the

greatest public inconvenience, and much distress to individuals. If it be repeated the next year the evil becomes almost intolerable. Of this the Government in England are easily made sensible; and looking unfortunately more to the effect than to the cause, they recal their Governor, not because he has done any thing wrong, but simply because he is in trouble.

His Successor knows that the stumbling block was the annual supply, and that it is expected of him that he will manage somehow to remove that difficulty.

The Assembly he concludes can not be driven, but he flatters himself they may be persuaded; and as the well disposed members of that body require no persuasion, and may safely be left to their sense of public duty, the effect is expected to be produced by extraordinary deference and civility, to the very persons who notoriously deserve least the respect or confidence of the Government. Those who have treated his Predecessor with the greatest rudeness and injustice are the individuals whom it is most his care to conciliate.

Their public principles, and not unfrequently their private characters, make them by no means fit to be the chosen associates of the Representative of Our Sovereign. To be just to them, as to all others, is plainly a matter of duty—to treat them even with that courtesy which is observed towards strangers might not be improper, but to make them the particular objects of civility and favor, gives disgust to the respectable and well affected portion of Society, and

brings the Government speedily into universal contempt. The policy, nevertheless, generally avails for one year, and with a Governor not particularly high-minded, it may last for two. The Assembly have at first a desire to mortify the Governor who has been recalled, by granting to his Successor what they have withheld from him; then their hope of obtaining some important concession from their new Governor, before he understands his situation and duty, makes them extend the time a little longer; but two years can hardly pass before something is asked which the Governor either can not, or will not grant, and then begins with him the same course of treatment which enabled them to get rid of his Predecessor.

They threaten to grant him no supply, and from that moment the choice is set before him of being added speedily to the list of displaced Governors, or of gaining at least a temporary reprieve by concessions. If he is firm, his fate is certain; the Assembly will grant him no supply, and then, in order to make out a sufficient excuse for withholding it, they heap the most atrocious abuse upon their Governor. It matters not that his name was never before coupled with dishonor—that in the course of a long public service, and perhaps in the Government of other Colonies, he has been respected and beloved; the generous Nobleman, and high-minded Soldier, finds himself suddenly held up to public odium as tyrannical, unjust, false, and perhaps even cowardly. Being vilified in the Assembly, and by a scurrilous press, he is concluded to be unpopular, and then his removal follows of

course, when the succession of another Governor begins anew this game, by which every man in the community loses, except a few political leaders, the greater number of whom perhaps are worthless, and insignificant in all other respects, except from their power to do evil, which their seat in the Assembly gives them.

But we must remember that the temptation to Governors is in several respects strong, to avoid bringing things to this issue, by making any possible sacrifice: and the history of Lower Canada furnishes too many instances where this temptation has prevailed.

No Constitution can stand long against the assaults to which it is exposed under such a system; and it is the interest of all classes of persons, who really believe that their form of Government is worth preserving, to secure it against the greatest danger it is exposed to, by relieving the Executive Departments from a state of ruinous dependence on the Assembly.

There is another evil consequence of this dependence in the temptation to which it exposes the Public Officers of the Colony, to ingratiate themselves with the leaders of a faction who can measure out to them, or withhold their subsistence, as they please.

It may be imagined, perhaps, that however obvious these considerations may be to those who think deeply, and feel rightly on matters of Colonial Government, yet that the multitude can never be taught to see and acknowledge their force, and that every advocate of popular rights would feel himself bound to resist the conclusions which your Committee have expressed. In order to afford rather a striking proof to the con-

trary, your Committee will append to this report* some passages upon this subject, in a printed letter of Mr. Hume's correspondent, Mr. W. L. Mackenzie, who has lately carried his factious opposition so far as to involve himself in the guilt of high treason.

In 1827, Mr. Mackenzie, desirous it seems for some purpose, of attracting the favorable notice of Lord Dalhousie, addressed a letter to that Nobleman, which was printed and published at the time, and in which it will be found, that the evils of placing the "*Royal authority at the feet of a popular Assembly, and of obliging the Officers of Government to court their favour for their daily bread,*" and the conviction, that under such a system "*no end to financial controversy will ever be found,*" are very forcibly dwelt upon.

Your Committee of course do not cite this on account of the respectability of the authority, but merely to show how sensible the bitterest enemies of the Government are of the degradation and destruction inseparable from such a system.

The British inhabitants of Lower Canada are strongly impressed with an opinion, that after all that has taken place, the removal of this difficulty respecting the Civil List would not alone be sufficient, and that the Province can not prosper unless some material change is made in its Constitution. The French Canadians are not an enterprising people; they care little about commerce, and are not zealous promoters of public improvement; and besides this, it is said, that their laws and customs have an unfavorable tendency,

* Appendix L.

and that their ignorance and national prejudices forbid all hope of amendment through the agency of the Legislature. A Legislative union of the Provinces is proposed and very earnestly pressed, as the most effectual remedy. It probably is desired by the British population of Lower Canada, with very few exceptions, and their desire is natural—they may gain much, and can scarcely lose by the change. The people of Upper Canada, on the other hand, would be committing much to hazard by the trial: they are happily not in that state that should make them indifferent to any dangerous experiment.

Hitherto a fear of ill consequences to themselves has prevented the inhabitants of Upper Canada from seconding the desires that have been expressed for a Legislative union: the situation of Lower Canada is now such as calls for some important change; for it is perhaps not too much to say, that the laws no longer afford to the British population there, sufficient security for their lives and properties. Although a strong military force must probably, under any circumstances, be maintained in Lower Canada for some time to come, yet that is not the resource that should be principally looked to for the future tranquillity of the Province; and if it were certain that peace and safety can be no otherwise assured to our fellow subjects there, than by the desired Legislative union, then your Committee would not hesitate to say, that the people of Upper Canada should consent to that measure, as they should indeed to any other, that upon a deliberate consideration of the case, may appear to Parliament to be the most expedient.

In the Session of last year the Legislative Council concurred with the Assembly in an address to His late Majesty, deprecating an union of these Provinces, a copy of which address is subjoined,* and of the reply which His Majesty was graciously pleased to give to the same; in which reply the assurance is conveyed, "that the project of an union between the two Provinces had not been contemplated by His Majesty, as fit to be recommended for the sanction of Parliament.†

If the recent events in Lower Canada, which can not be too much deplored, seem to present some arguments in favor of a Legislative union, they appear to your Committee to suggest others of a contrary tendency, which it would not be safe to treat lightly.

The advantages which most readily occur are, that the union could scarcely fail to be favorable to the commercial interests of this Province, and that it would increase our revenue, and enable us to advance more rapidly in some public improvements that are highly desirable. All such advantages however are dependent upon the continued tranquillity of the two Provinces. In any scheme which your Committee have seen proposed for consideration, it is not explained upon what terms the union is to be carried into effect.

To have but one Legislature, with two Executive Governments, would be in some respects inconvenient; and to have but one Government to rule so extensive a Country, would not, as we apprehend, be found satisfactory or prudent.

* Appendix M † Appendix N

But there are considerations of much greater moment than these, which it would not be advantageous at present to make the subjects of public discussion, but which incline us strongly to the conviction, that the social happiness of the people of Upper Canada, their internal peace, and the continuance of their connection with Great Britain, are more secure under their present Constitution, than they would be after the proposed union.

So far as we may be permitted to determine the question, upon a view of the interests of Upper Canada merely, our inclination is against the change; but if, without an union, the British population in Lower Canada can not be secured in the enjoyment of British Institutions, then of course it must follow, that the only question for consideration would be, the terms of the measure, and the fittest time for proposing it.

Your Committee forbear to enter upon a particular discussion of these points, because they cannot convince themselves that an union with Lower Canada alone, would be safe or desirable for the inhabitants of this Province. If a mature consideration of the present condition, and probable future state of Lower Canada, should seem to compel the Imperial Parliament to favour that project, there can be no doubt that ample opportunity will be afforded to the people of both Provinces for offering any suggestions.

Another measure has been proposed, namely, the extending the limits of this Province, so as to include the Island of Montreal, and certain parts of the adjacent territory. There can be no doubt that this would

be of incalculable advantage to Upper Canada, by giving her a port accessible from the ocean, and thus enabling her to raise a revenue commensurate with her wants. It would take from under the Government of Lower Canada, that portion of the population which has taken the lead in the late rebellious movement; and would place them under the influence of other laws and feelings, much to their own advantage, and to the benefit of both these Colonies. The country which would then form the Province of Lower Canada would neither be so likely to place itself in an attitude hostile to the Mother Country, nor would its hostility be so formidable: and under this arrangement, Quebec might continue, as it ought, to be the residence of the Governor General. There are many advantages in favour of this plan, which, in the opinion of your Committee, should recommend it strongly to the notice of Her Majesty's Government.

There is yet another suggestion, which deserves at least to be kept in view, and that is an union of the British North American Colonies, including perhaps among them, Newfoundland and Prince Edward Island. Quebec might be conveniently the Head Quarters of such a Confederacy; the Legislature might meet in the summer; each Colony might retain its own Legislature, for purposes purely local in their object, and all questions which could affect their relation to Great Britain or to each other might be settled in the United Legislature. There are many benefits which might fairly be expected from such a change, and they would be obtained without doing violence to

any claims which the French Canadians may be disposed to rest upon numbers alone.

The progress of these Colonies, as late events have shewn, dispose and enable them more and more to manifest an interest in the affairs of each other, and to combine in maintaining their connection with the Empire, which all British Subjects understand and feel to be indispensibly necessary to their security and welfare.

Your Committee have merely alluded in general terms to these different schemes, without entering upon details, for they feel assured, that in a short time we shall receive some announcement of the course which Her Majesty's Government have thought it expedient to propose, upon the knowledge which they have acquired of the present condition of Lower Canada; and it will be more convenient to wait until this information reaches us. It is impossible to avoid looking with the greatest anxiety upon the present posture of affairs in that Colony, for in reality our safety is as much involved in the result as if we lived within its limits.

WITH RESPECT TO THE OTHER SOURCE OF DANGER TO THIS COLONY, of which we have lately been apprised, by the very extraordinary and unlooked for occurrences upon our frontier—Your Committee trusts that it may prove not unfortunate upon the whole, that the people of Upper Canada have been thus put upon their guard.

The steps which have been recently taken by the Government of the United States, shew an earnest desire on their part to restrain their citizens from violating their amicable relations with Great Britain; but there still remains the question whether, upon this and future occasions, we shall be safe in relying upon the power of that Government to restrain its people from hostile aggressions upon the inhabitants of Upper Canada. So far as their inability to do this in the present instance may have proceeded from defects in the laws which Congress had passed upon this subject, there is every reason to suppose that the difficulty will be removed; but what we have witnessed forbids us to place entire confidence in the efficiency of any laws that may be enacted.

That the Government of the United States will in this respect desire to discharge its duty we may venture to anticipate, and it has been very satisfactorily shewn upon the present occasion, that men of character throughout the United States, as well as the more respectable portion of the public press, are neither slow to perceive, nor backward in acknowledging, the line of conduct which it is the duty of their countrymen to adopt towards their neighbours in these Colonies. Still we have received a very impressive warning that our best, if not our only adequate security will be found in being prepared to resist aggressions. We have seen the people in four of the States adjoining these Provinces making open and active preparations for war against Canada, at a time when Great Britain was at peace within herself and with the whole world,

and after it was perfectly well known that not an inhabitant of either Province was in arms against his Sovereign. It becomes us therefore, to consider what certainty we have that the Government of the United States could restrain their people from hostilities, if the disturbed state of Europe, or any other cause, should leave the British Empire less at leisure, than it now is, to extend its protection to its remote Dominions, or if unhappily a strong feeling of opposition to the Government should be excited within this Colony, and should break out into acts of open resistance.

It may be difficult to secure this Province effectually against the impressions which would be attempted to be made along its frontier by the armies of the United States, in a public war; but the vast Naval superiority of Britain, and the means it gives her of placing the acquisition of these Colonies out of the reach of the United States, except at the price of the total loss of their trade, and the probable destruction of their commercial cities, seems to afford us a reasonable security against this danger.

The necessity, however, of placing the frontier in such a state of defence as will check any attempt at an irregular predatory warfare, such as has been attempted within the last two months, is too evident to require that it should be insisted on.

The illustrious Duke of Wellington had not long held a responsible station in the Councils of his Country, before he took the most energetic measures for securing the frontier of Upper Canada against invasion. Several experienced Officers of Engineers

were sent to this Province, expressly to examine into and report upon the positions which it would be necessary to occupy with this view, and it is known, that in consequence of this provident measure, steps were actually taken for commencing military works at two or three points on the frontier, which would have placed us beyond the reach of danger from any such attempts as have lately been made; but we lament to say that changes in England occasioned these measures to be abandoned after they were fully resolved upon, and steps taken for their accomplishment.

The inhabitants of this Province require but arms and ammunition, and two or three rallying points on which they could form, to render them perfectly safe against any attack of so unprincipled and lawless a character as they have lately had to encounter; but from want of these advantages the danger has been imminent upon the present occasion, that some temporary advantage might have been gained, which must have been attended with very serious consequences. We doubt not that there are in Upper Canada 50,000 militia as willing, and as able, to defend their soil from invaders, as any country can boast of. But to render this force serviceable, it is necessary that there should be two or three arsenals to which they may resort for arms and ammunition, and where they could assemble upon any sudden call of duty.

For want of these precautions the whole western frontier of this Province was for a considerable time almost utterly defenceless, under very critical circumstances. The people rushed in numbers to the frontier

to meet a threatened invasion, but without arms in their hands, and without the means of procuring them when they arrived at the point of the expected attack. The invaders from the State of Michigan, took possession of an Island in the River Detroit, and with an armed Schooner began to batter the town of Amherstburgh, as we have already stated. The next day, under cover of their guns, a landing was to have been made upon our main shore. The loyal and gallant people who were assembled in haste to meet the invaders were but half armed; and they knew the discouraging fact, that there was not a field-piece of any description within nearly three hundred miles of them. If their zeal had not prompted them to supply themselves with artillery and arms, by making a very spirited and successful attack upon their enemy, it is by no means improbable that such an impression might have been made upon our western frontier as would have given immediately a very serious character to the contest, and might have led inevitably to a national war.

Your Committee cannot avoid, on this occasion, referring to the fact, that the small garrisons which, for forty years had been maintained at Fort Niagara and at Amherstburgh, have within the last two or three years been withdrawn: and a frontier of three hundred miles, bordering upon a foreign country, left for the first time without the presence of a British soldier. We have reason to believe, that this step was by no means approved of by the experienced Officer who commanded the Forces in this Province; and inde-

pendently of many other considerations which made it unadvisable to abolish these military stations, what has recently occurred has proved most clearly, that if economy led to the arrangement, as a measure of reduction, this attempt to effect a saving has proved most unfortunate. The presence of a company of regular soldiers, with half a dozen artillery-men, would most probably have prevented those proceedings among our neighbours, which are now rendering necessary an immense expenditure, such we fear, as will be found to go very far beyond any saving which could have been hoped for from this unfortunate reduction.

We trust these Posts will be immediately re-established, and that the Government of the Mother Country will take such steps in consequence of what has happened, and is still going on, as will prove unequivocally a resolution to defend this portion of Her Majesty's Dominions against foreign enemies and domestic traitors, and to aid the people of Upper Canada in maintaining that connection with the British Empire, to which they have shewn themselves so devotedly attached.

It seems astonishing, at the first view, that a few hundreds of persons in this Province, and a few thousands in Lower Canada, without leaders of military skill or experience, and without resources, should have embarked in an undertaking so utterly hopeless, as the attempt to wrest these Colonies from the dominion of Great Britain.

The fortress of Quebec commands the passage to the Ocean. It would defy the valour and skill of an

European enemy. How, then, were they to pull down the British Standard, which waves over its citadel?—how could they expect to encounter, with success, the fleets and armies of England, which have proved an over-match for the world? They reckoned, as we know, upon the people of the United States for assistance. But were the people of that Republic prepared again to commit their safety and prosperity to the chances of war, in a second attempt to possess themselves of Canada, and at a time when Great Britain had no other employment for her vast national strength than to guard with it the integrity of her own dominions?

Many of the people of these States, as we have found to our cost, were indeed rash enough to engage in this adventure. They could really hope, it seems, that by such a war as a few traitors in these Colonies could carry on, aided by a portion of the people of the United States, but without the countenance, and of course without the resources of their Government, a dominion could be torn from under the sway of the British Sceptre, which, when it was acquired by the valour of Wolfe, was hailed by the British Nation as one of the noblest conquests that had ever crowned their arms.

All this, indeed, looks like insanity—but it admits of a very rational explanation; and no intelligent person in these Provinces is at a loss to account for it. The solution is this:—Neither the rebels in these Provinces, nor their American auxiliaries, thought it by any means certain that the British Government would make the exertion necessary for retaining these Colo-

nies. They persuaded themselves, on the contrary, that they would not; and although we are convinced that they have erred in their judgment, they have seen much to encourage them to come to that conclusion. They have, for many years past, observed some of the most influential journals in the Mother Country denouncing the impolicy of retaining the Canadas, and upon a cold calculation of interest, recommending that they should be cast adrift, and allowed to govern themselves—or turned over to the United States, upon the best bargain that could be made for them; they have seen a British Subject, the Member for the Metropolitan County of England, exhorting the people of Canada to throw off “the baneful domination” of Great Britain—and holding up to them, for their imitation, the example of the revolted Colonies in 1776*; they have seen those persons in the Colonies, who were manifestly co-operating with him in this treasonable design, countenanced, encouraged and promoted, by the Government; they have noticed, upon almost every occasion for many years past, when the public affairs of these Provinces have been discussed in Parliament, a want of firmness on the part of the Ministers of the Crown in declaring their determination to maintain British authority and British institutions in their American Colonies, and an apparent anxiety to admit, as a sort of test of liberality, that sooner or later changes must be made, which, it is clear, would prove destructive of both; they have observed a cautious withholding of that assurance of support to the loyal people of

* Appendix O.

these Colonies, which would at once have convinced the disaffected that their object was unattainable; and they have read declarations openly made to a Committee of the House of Commons, by a gentleman in the Colonial Department, who, from his station and duties, has probably exercised, and still exercises as great an influence in the Government of the American Colonies, as any other individual in the Empire—in which declaration the positions are advanced, that allegiance to the British Crown, must be expected to be regarded in Canada, rather as a sentiment than a duty; that no fear of the power of Great Britain can reasonably be entertained by its inhabitants; that “revolt against European dominion, cannot be considered any where upon the Continent of America as criminal or disgraceful; and that it can be regarded as no enviable distinction to be the only dependant portion of the “New World:”—from all which it would follow, that rebellion in Canada would be merely matter of taste; that it would be a safe experiment so far as British power is concerned; that it could neither be looked upon as wrong, nor disreputable; and that, in fact, it will be rather a reflection upon the spirit of the people of Canada, if they remain attached to the British Crown longer than they can help.

It is fit the British Nation should know, that the feelings and consciences of the great mass of the people of Upper Canada, revolt against these sentiments; that they do consider it their most enviable distinction, that they form part of the British Empire; that Republi-

can institutions cannot be imposed upon them, while they have the means of resisting them by any sacrifice of life or property ; and that whenever it may be attempted to make their soil a land of aliens to the British Crown, they will appeal to the Government which planted them there, for protection and support—and they will appeal with the most perfect confidence, that that support can never, in the hour of trial, be denied to them.

The inhabitants of Canada do not believe, that any Government can take the fearful responsibility with the people of England of abandoning Provinces whose commerce employs annually twelve hundred British Ships; and they feel that while they are ready with their lives to maintain their allegiance to the Crown, they have the same right to its protection, as if they trod the soil of Great Britain, or of Ireland.—Whenever it may come to the trial, they know that they will not be left to struggle alone : that humanity—the ties of kindred—the sense of national honor, will alike forbid it; and that their fellow Subjects at home can not, and will not submit, to see them torn from the British Empire while it has strength to defend them. For her own sake then, as well as for the sake of the people of these Provinces, and for the peace of the World, it is above all things desirable that there should no longer be room for any misconception on this point. Twenty millions of money have, in a spirit of generous philanthropy, been devoted by Great Britain to the redemption of the Colored Inhabitants of her West India Islands from a state of slavery—that however

was a slavery regulated and mitigated by law. One million applied, as the noble Duke of Wellington was proceeding to apply it, ten years ago, would have secured a greater number of the free subjects of Britain in the Canadas, against all fear of that worse bondage, a subjection to hordes of foreign outlaws, who have grown up in the habitual disregard of those restraints which are necessary to insure liberty, and every other blessing that distinguishes civilized society.

YOUR COMMITTEE have been led to discuss so much at large those subjects which engross attention at the present moment, that they can scarcely do more than allude to some other matters, which are too important, nevertheless, to be wholly omitted, in a review of the political state of this Province.

It is in their opinion exceedingly to be regretted, that the questions which have been agitated respecting the Clergy Reserves are still open, and apparently with as little prospect of a final settlement as at any former period. It is not surprising that Her Majesty's Government should be reluctant to undertake the task of endeavoring to bring these questions to a satisfactory decision, and that they should persevere in attempting to gain that desirable object through the intervention of the Provincial Legislature; for it is natural to suppose, that the advantage of more accurate local information should enable us to encounter the difficulty with greater convenience, and with better hopes of success. But we apprehend, that although the wish to see the question settled is almost universal

in this Province, there is, from various causes, but slender ground for believing that the Legislature will be able to concur in any satisfactory course.

Your Committee has no doubt that the Legislative Council still adheres to the general view taken by them of this important subject, in the Session of 1835, when it received their particular attention. It was then suggested by the Council, that before any Legislation should take place respecting the Reserves, it would be desirable to bring the legal rights of the respective claimants to the test of the most satisfactory judicial decision, which might be done by submitting the true construction and effect of the British Statute, 31 Geo. 3. chap. 31. to the consideration of the Judicial Committee of the Privy Council. After the right to the reserved lands, under the existing law, shall have been thus declared, or if Her Majesty shall think it inexpedient to make the reference, your Committee has no doubt that the Legislative Council will in either case, concur in an enactment for putting it in the power of Her Majesty, or of the Imperial Parliament, to re-consider this great question, and to make such disposition of the Clergy Reserves as may appear just and right, provided that they shall be exclusively devoted to the maintenance of public worship, and the support of religion within the Province. It is most earnestly to be desired, that the discussions and expectations upon this subject should be brought speedily to a close by some final measure, for it is painful to observe their tendency to produce bitterness of feeling among the different religious denominations, and to

place in unfriendly opposition to each other, men who would be otherwise united in maintaining a just respect for our Government and laws.

There is another subject to which your Committee do not feel that they can properly forbear alluding, viz., the present condition of this Province in respect to its finances. It is plain that the Legislature, in its great anxiety to advance the interests of commerce and agriculture, have gone to the very utmost limit of our resources, and have pledged the credit of Upper Canada to such an extent, that any temporary interruption or diminution of our revenue must lead to embarrassing results, unless a speedy remedy shall be applied. The experience of the present time must convince us that it is not safe to proceed upon calculations, which make no allowance for such political reverses as are now occasioned by the state of Lower Canada, and its probable consequences to our commerce. The first object of the Legislature will doubtless be to provide for maintaining the credit of the Province unimpaired, by ensuring the punctual payment of interest upon the public debt: and your Committee is aware, that the Legislative Council will be most anxious to concur with the House of Assembly in whatever measures may be best suited to this purpose. The next consideration is, the expediency of exercising a more cautious circumspection hereafter in adding to the debt of this Colony. It is true, that the great public works in which Upper Canada has so early engaged, are highly creditable to the enterprise of her people; and there can be no doubt, that the rapid increase of

population and wealth, will soon enable us to rise above any temporary pressure that may be occasioned by too eager an anticipation of our resources. But your Committee most earnestly hope, that our increase of revenue may be so husbanded in future, that we shall have the cheering prospect of gradual relief from an incumbrance, which is certainly disproportioned to the present state of this Province.

In remarking upon the confusion and difficulty which have arisen in Lower Canada, from the want of a permanent provision for the Civil List, your Committee did not forget, that the Executive Government of this Province, although not left in the same state of total dependence, is still subject to be reduced at any time to the most serious difficulties, by the failure of the Legislature to vote the ordinary Supplies. There are many important charges of the Civil List which were not provided for when the duties levied under the 14 Geo. 3. were surrendered, and for which an annual vote is now necessary. This Supply cannot be withheld, without producing great public inconvenience, and much injustice to the servants of the Crown; but it is scarcely necessary to state, that they were nevertheless withheld upon a late occasion—merely because the Executive Government, and the Legislative Council, would not give way upon points of vital importance to the peace and welfare of the Colony.

The means of exercising so unfair a check in the administration of public affairs, may prove in time, destructive of the balance of our Constitution; and it

will inevitably lead to frequent interruptions of the harmony of the Legislature. Upon the occasion alluded to, a dissolution of the Assembly was felt to be the necessary consequence; but your Committee need hardly observe, that an effectual remedy is not always certain to be obtained by taking that course.

The willingness, or rather indeed the desire, lately shewn by Her Majesty's Government, to surrender to the Provincial Legislature the Casual and Territorial Revenue of the Crown, and the management and disposal of the Crown Lands, is strikingly at variance with the policy which had ever before been constantly maintained in these Colonies. Your Committee cannot now conveniently enter into a discussion of the principles involved in these very important changes; but they are far from being impressed with the conviction, that such a relinquishment of the just rights and prerogatives of the Crown will contribute to the welfare of the Colony. It may be said, that attacks, whether just or unjust, are always likely to be directed against the Government, on account of the appropriation of these revenues; but that does not afford a sufficient reason for transferring to the Legislature what unquestionably belongs to the Crown—and the policy of making such concessions, seems not more wise than would be the conduct of an Officer, who being entrusted with the defence of a fortress, should employ himself in pulling down the walls, in order that there might be nothing left to fire at.

Nothing has yet been said by your Committee upon the subject of that proposition for a radical change

in the Constitution of the Canadas, which has been much discussed of late years—and which the leaders of the Assembly, in the Lower Province particularly, have insisted upon with the most unreasonable violence: We mean the desire to make the Legislative Council an elective body. Since it has now become apparent, that separation from the Mother Country was the object which these political leaders had really in view, it is not surprising that their efforts should have been mainly directed to the destruction of that barrier, which the Legislative Council must ever present to such treasonable projects, so long as its members are selected by the Crown from among the most loyal, intelligent and respectable inhabitants of the Colony. The value of this security has been felt by all who duly appreciate the blessings of good Government, and who desire to maintain the connection of these Provinces with the Empire. Although it seemed evident, that any ill-advised change in this respect, made in one Colony, was likely to be extended with little delay to the other, yet the people of this Province have felt no very serious alarm on this subject, because they saw, with satisfaction, that the opinion of the Secretary of State for the Colonies was decidedly opposed to that ruinous innovation: so much so indeed, that the proposition was declared to be one which it could scarcely be considered proper to discuss. It was not altogether without apprehension, however, that in the official communications of the late Governor General, and of the Royal Commissioners, some encouragement was observed to be afterwards afforded for looking for concession even

upon this point. Late events, we trust, have put it out of the question, that any policy so destructive of British supremacy can ever be adopted; and it is only to be lamented, that it has not been always consistently and firmly declared, that so long as these Provinces remain Colonies of Great Britain, their Legislative Councils will undoubtedly be composed of Members appointed for life by the Crown.

While your Committee have been engaged in preparing this report, the unlooked for intelligence has been received, that His Excellency Sir Francis Head, is to be succeeded in the Government of this Province, by Major General Sir George Arthur, whose arrival may be daily expected.

It is just two years since the removal of His Excellency Sir John Colborne, was as suddenly announced, and in both instances the change in the administration of the Government has been made under circumstances, that have not failed to excite very serious apprehension in the minds of all persons who are well affected to our Government, and desirous of preserving the connection of Upper Canada with the British Empire. We are aware that in each case the Lieutenant Governor is said to have resigned; but we are also aware, that each of these distinguished Public Officers is possessed of an energy and firmness of character, that would have prevented his retiring from the Government in a time of difficulty, from a regard to any personal consideration; and we know that at the moment of their desiring to be removed from the

Province, they stood high in the affections of the people whom they governed, and that there prevailed in the breast of every loyal inhabitant of both Provinces of Canada, the utmost confidence in their political sentiments and views, and the fullest conviction that under their administration, the enemies of the Crown would receive neither countenance nor support.

It is quite apparent, from the circumstances attending the hasty removal of Sir John Colborne, either that some unaccountable misapprehension existed with regard to the actual state of public feeling in Upper Canada, or that the policy which that distinguished Officer was pursuing did not meet the support of His Majesty's Government. It will be difficult to persuade the people of this Province that the same causes have not led to the departure of Sir Francis Head; and when they have seen and felt that the effect of the conduct, which seems to have been thus discountenanced and discouraged, has been to produce in this Colony a most decided, and almost universal support of British principles, they can not but feel a very natural apprehension for the preservation of their Constitution, and of their continued connection with the Parent State.

If these sudden changes, so injurious to the stability, and indeed to the dignity of the Government, and so dangerous to the public tranquillity, are to be ascribed to an impression prevailing in any quarter, that the opponents of Monarchical Institutions are those whom it is most prudent to conciliate, and that to that end, the characters and feelings of the most attached

Subjects of the Crown must, for political expediency, be sacrificed, then we trust that the events of the last three months will correct this error, and may lead to the adoption of a course more generous and just. If it be possible that there can be in any quarter a desire to make Upper Canada the theatre for an experiment of principles, which it may be falsely imagined are more liberal and free than those secured by our present Constitution, we earnestly hope that the wisdom of Parliament, and the good sense of the British Nation, will rescue us in time from the danger which threatens our liberty and peace.

(Signed)

WILLIAM DICKSON,
JAMES GORDON,
JOHN MACAULAY.

Committee Room, Legislative Council,
Thirteenth day of February, 1838.



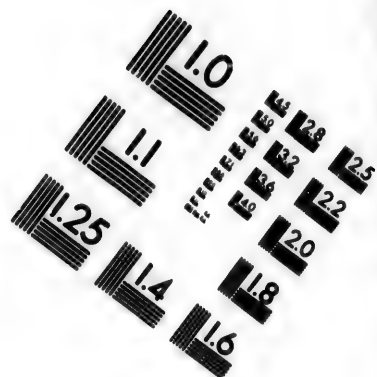
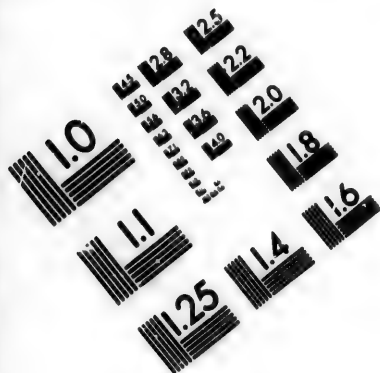
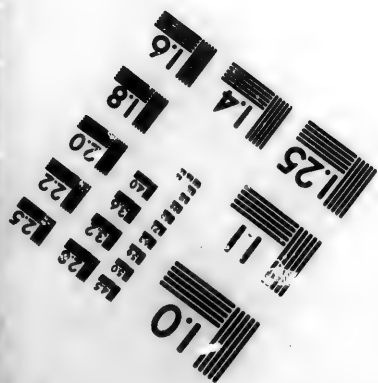
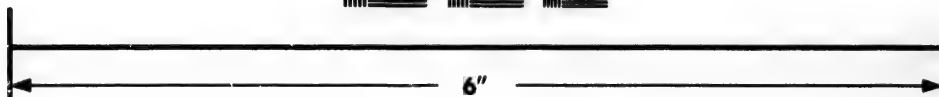
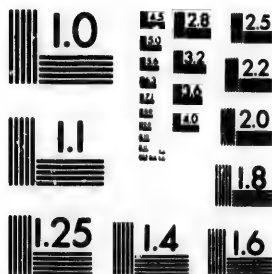


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APPENDIX A.

—
ADJUTANT GENERAL'S OFFICE,
Toronto, 4th December, 1837.

MILITIA GENERAL ORDER.

His Excellency the Lieutenant Governor has pleasure in announcing to the Militia of Upper Canada, that in consequence of the present disturbed state of the Lower Province, several Regiments have gallantly expressed their readiness to co-operate in case of necessity with Her Majesty's Troops, in protecting their fellow Subjects in Lower Canada, in the maintenance of the revered Laws and Institutions of the British Empire.

While this spirit, so honorable to Upper Canada, and so fully in accordance with the character of its inhabitants has been manifested in various portions of the Province, His Excellency has with regret received information from various quarters, that in certain portions of the Home and London Districts a number of individuals have been seen assembled, as if for the purpose of drilling, some of them bearing arms, although not called upon by Public Authority, nor acting under the orders of any Officer appointed by the Crown.

Whatever may be the motive of such assemblages, the Lieutenant Governor is of opinion, that they are calculated to excite alarm in the minds of all peaceable inhabitants, and that being contrary to Law, they are inconsistent with that duty and allegiance which it is the pride of all faithful Subjects to cherish.

The Lieutenant Governor has therefore determined to call upon all persons in public authority, as well as upon all classes of Her Majesty's Subjects in Upper Canada, to unite together in maintaining the high character which this Province now holds in the esteem and affection of the Mother Country, by discountenancing such illegal meetings, and by doing all in their power to discover and make known those who promote and take part in them.

With this object in view, the Lieutenant Governor directs that the Colonels of Militia throughout the Province, shall, upon receiving this order, call out their respective Regiments, and acquaint them of the above circumstances; as also that His Excellency's offer to Sir John Colborne, of Her Majesty's Troops who were in this Province, has been accepted—that as soon as the Navigation closes, their return may be deemed imprac-

licable—that even if it were not so, His Excellency on no account whatever would consent to deprive the Lower Province, during this winter, of their assistance—that Her Majesty's Stores, Arms and Ammunition, have been entrusted by His Excellency to the Civil Authorities—and that the period has consequently arrived, for His Excellency to call upon the Militia of Upper Canada, to do justice to the honorable confidence which, under circumstances so flattering to their character, has been publicly reposed in their valour and in their loyalty.

Upon the Militia of Upper Canada, as the Constitutional Force of the Country, the Lieutenant Governor relies with confidence for aiding the Civil Powers, firmly to maintain the Laws, and to protect all classes of the Queen's Subjects in the full enjoyment of their rights and liberties; and His Excellency is fully assured, that if necessity should arise, the Inhabitants of Upper Canada will not fail to place on record an honorable example of a people who, appreciating the blessings of peace and freedom, will allow no political differences of opinion to prevent them, when duly called upon, uniting to support their Religion—the Crown—and the Laws.

His Excellency therefore directs the Colonels of Militia throughout the Province, immediately to make such arrangements as may appear to them most judicious, for enabling their respective corps to act with promptness and effect, should any emergency render their services necessary. And in case the Civil Authorities should find occasion to suppress an illegal meeting, His Excellency especially refers to the 9th Section of the Militia Act, passed in the 48th year of the Reign of His late Majesty George the III., relying that the Officers commanding Regiments will, with alacrity, firmness and discretion, exercise the powers therein given to them, of suppressing with the force of their respective Regiments, any attempts that may be made to oppose the Civil Magistrates, or to disturb the peace of the Country.

The Lieutenant Governor is proud to believe, that Upper Canada is the only portion of the British Empire divested of Military support, and he feels confident, that the Mother Country as well as the Continent of America, respect the steady peaceful conduct which at present so peculiarly distinguishes the Inhabitants of the Upper Province of the Canadas.

By Order of His Excellency.

JAMES FITZGIBBON,

Acting Adj't Gen'l of Militia.

APPENDIX B.

GOVERNMENT HOUSE,
8th December, 1837.

His Excellency the Lieutenant Governor warmly thanks, in the name of Her Majesty the Queen, the loyal and gallant Militia of Upper Canada, for their ready attention to the call of their Country, when their services were required for putting down a cruel and unnatural Rebellion.

His Excellency trusts, that that service has now been effectually rendered, and it only remains for him to take whatever steps may be necessary for the peace and security of the several Districts, and to announce, with much satisfaction, that there appears to be no further occasion for the resort of Militia to Toronto.

APPENDIX C.

Copy of a Despatch, from His Excellency Sir Francis Bond Head, Baronet, Lieutenant Governor of Upper Canada, to His Excellency Henry S. Fox, Esquire, Her Majesty's Minister at Washington.

GOVERNMENT HOUSE,
Toronto, 23rd December, 1837.

SIR,

It is my duty to lose no time in apprising Your Excellency, that the peace and security of this Province are at this moment threatened, and that its territory is actually invaded by a large band of American citizens from Buffalo, who have taken up arms, and established themselves in a hostile manner on Navy Island, in the Niagara River, and within the territory of Upper Canada.

Your Excellency has no doubt learned from the public papers, that in consequence of the insurrection unhappily commenced in Lower Canada, but which, I have reason to believe, is now effectually suppressed, an attempt as rash and hopeless, as it was wicked, was lately made by three or four hundred persons in this vicinity, to involve this Province also in the miseries of a civil war. In concert with this movement, an endeavour was also made to excite the people in another District to take up arms against the Government. Both these attempts were promptly and effectually suppressed by the loyal Militia of this Province, unaided by any Military force. Most of the deluded persons who were engaged in these rash and criminal enterprizes have surrendered themselves when taken

Militia.

prisoners ; but the principal leader, William Lyon Mackenzie, and some of the most active of his followers, succeeded, with great difficulty, in making their escape to the adjoining State of New York. It was soon reported to me, that at Buffalo, to which place these traitors fled, strong symptoms were shewn by numbers of American citizens, of an inclination to aid them with men and arms, and to supply them with other necessities, in order to enable them to make a hostile invasion of this Province.

That the public authorities in Buffalo, and the more respectable of the inhabitants, to discountenance such proceedings, I had no doubt, and their conduct since has justified that expectation ; but as it was doubtful how far they might be able promptly to control this ebullition of hostile feeling towards a Nation, with which the United States held the strictest relations of amity and peace, I immediately addressed an official letter to His Excellency Governor Marcy, at Albany, of which a copy is herewith sent. No reply to this has yet reached me, nor do I know what steps, if any, have been taken on the part of the American Government, at Buffalo, to repress this hostile rising of their people.

Since that letter was written, Mackenzie has been joined by some hundreds of American citizens from Buffalo, and the adjacent villages, who have established themselves on Navy Island, as I have before-mentioned, with artillery and arms procured in the United States.

The paper printed at Buffalo, which I send you, will shew the spirit in which this movement is urged forward.

I am, of course, taking all possible measures to repel invasion and insult, and I believe, that in a few days, a considerable Military force will be at hand to sustain our gallant Militia in this extraordinary and unlooked-for conflict. I need not remark to Your Excellency, how unfair and unjust it is, that a rebellion which, within this Province was so insignificant, that it was instantly crushed by the civil inhabitants of the Colony, should be revived and rendered formidable by the direct and active management of the American people ; and that during the existence, not only of peace, but of the most friendly relations between Great Britain and the Government of the United States, the peaceful population of this Province should be threatened with devastation and plunder, and all the miseries of civil war, by the unjustifiable interference of American citizens.

Though inhabiting a remote portion of the British Dominions, the people of Upper Canada feel that they may rest assured of being ultimately-protected by the whole force of the Empire, if it be necessary : they are conscious also, that they deserve kinder offices at the hands of the American people ; and I appeal to you, in their name, and as the

Representative of their Sovereign, to urge upon the Government of the United States, the immediate exertion of Military force to suppress a movement of their people so insulting and injurious to a neighbouring Nation: and which, whatever temporary calamity it may inflict, must inevitably, unless promptly checked, lead to a public war. Any wrongs which may be committed against the people of this Colony, will, under the protection of a just Providence, be amply redressed.

I beg Your Excellency will not fail to assure the American Government of my sincere conviction, that the facts of which I complain, will certainly meet with their most unqualified reprobation.

I have, &c.

(Signed) F. B. HEAD.

Copy of a Despatch, from His Excellency Sir Francis Bond Head, Baronet, Lieutenant Governor of Upper Canada, to His Excellency Henry S. Fox, Esquire, Her Majesty's Minister at Washington.

TORONTO, UPPER CANADA,
8th January, 1838.

SIR,

I have the honor to enclose you a copy of a Special Message, sent by His Excellency Governor Marcy to the Legislature of the State of New York, in relation to a matter on which Your Excellency will desire the earliest and most authentic information. The Message only reached this place yesterday, and I lose no time in communicating with Your Excellency on the subject.

The Governor of the State of New York complains of the cutting out and burning of the steam-boat *Caroline*, by order of Colonel MacNab, commanding Her Majesty's Forces at Chippewa, in the Province of Upper Canada, and the destruction of the lives of some American citizens, who were on board of the boat at the time she was attacked. The act complained of was done under the following circumstances:—

In Upper Canada, which contains a population of about 450,000 souls, the most perfect tranquillity prevailed up to the 4th day of December last, although in the adjoining Province of Lower Canada, many of the French Canadian inhabitants had been in open rebellion against the Government for about a month preceding.

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At no time since the treaty of peace with the United States, in 1815, had Upper Canada been more undisturbed. The real causes of the insurrection in Lower Canada, namely, the national antipathy of the French inhabitants, did not in any degree apply in the Upper Province, whose population, like the British and American inhabitants of Lower Canada, were wholly opposed to the revolt, and anxious to render every service in their power in support of the Queen's authority. It had been reported to the Government, some time before the 4th of December, that in a remote portion of the Home District, a number of persons occasionally met and drilled, with arms, under leaders known to be disaffected, but it was not believed by the Government, that any thing more could be intended than to make a shew of threatened revolt, in order to create a diversion in favour of the rebels in Lower Canada. The feeling of loyalty throughout this Province, was known to be so prevalent and decided, that it was not thought unsafe to forbear, for the time at least, to take any notice of the proceedings of this party.

On the night of 4th December, the inhabitants of the city of Toronto were alarmed by the intelligence, that about five hundred persons, armed with rifles, were approaching the city—that they had murdered a gentleman of great respectability in the highway, and had made several persons prisoners. The inhabitants rushed immediately to arms—there were no soldiers in the Province, and no militia had been called out. The Home District, from which this party of armed men came, contains 60,000 inhabitants—the city of Toronto 10,000. In a few hours a respectable force, although undisciplined, was collected and armed in self-defence, and awaited the threatened attack. It seems now to admit of no doubt, that if they had at once advanced against the insurgents, they would have met with no formidable resistance, but it was thought more prudent to wait until a sufficient force should be collected, to put the success of an attack beyond question. In the mean time, people poured in from all quarters to oppose the insurgents, who obtained no increase of numbers, but on the contrary, were deserted by many of their body, in consequence of the acts of devastation and plunder into which their leader had forced them.

On the 7th December, an overwhelming force of militia went against them, and dispersed them without losing a man—taking many prisoners, who were instantly released by my order, and suffered to depart to their homes. The rest, with their leaders, fled—some have since surrendered themselves to justice—many have been taken—and some have escaped from the Province.

It was reported about this time, that in the District of London a similar disposition to rise had been observed, and in consequence, a militia force of about 400 men was sent into that District, where it was speedily joined by three times as many of the inhabitants of the District, who assembled voluntarily and came to their aid with the greatest alacrity. It was discovered, that about three hundred persons, under Doctor Duncombe, an American by birth, were assembled, with arms; but before the militia could reach them, they dispersed themselves and fled—of these, by far the greater number came in immediately and submitted themselves to the Government, declaring that they had been misled and deceived, and praying for forgiveness.

In about a week, perfect tranquillity was restored, and from that moment not a man has been seen in arms against the Government in any part of the Province, with the exception of the hostile aggression upon Navy Island, which I shall presently notice—nor has there been the slightest resistance offered to the execution of legal process, in a single instance.

After the dispersion of the armed insurgents, near Toronto, Mr. Mackenzie, their leader, escaped in disguise to the Niagara River, and crossed over to Buffalo. Reports had been spread there, and elsewhere along the American frontier, that Toronto had been burnt, and that the rebels were completely successful; but the falsehood of these absurd rumours was well known before Mackenzie arrived on the American side. It was known also, that the ridiculous attempt of four hundred men to revolutionize a Country containing nearly half a million of inhabitants, had been put down by the people instantly and decidedly, without the loss of a man.

Nevertheless, a number of American citizens in Buffalo, and other towns on the frontier of the State of New York, enlisted as soldiers, with the avowed object of invading Canada, and establishing a Provisional Government. Public meetings were held to forward this design, of invading a Country with which the United States were at peace. Volunteers were called for, and arms, ammunition and provisions, were supplied by contributions openly made. All this was in direct and flagrant violation of the express laws of the United States, as well as of the law of Nations.

The civil authority of Buffalo offered some slight shew of resistance to the movement, being urged to interpose by many of the most respectable citizens, but no real impediment was offered; and on the 12th of December, some hundreds of the citizens of the State of New York, as

an armed body, under the command of a Mr. Van Rensselaer, an American citizen, openly invaded and took possession of Navy Island, a part of Upper Canada, situate in the River Niagara. Not believing that such an outrage would really be committed, no force whatever was assembled at the time to counteract this hostile movement.

In a very short time this lawless band obtained from some of the **Arsenals** of the State of New York, clandestinely as it is said, several pieces of artillery and other arms, which in broad day light were openly transported to Navy Island, without resistance from the American authorities. The people of Buffalo and the adjacent country continued to supply them with stores of various kinds, and additional men enlisted in their ranks. In a few days their force was variously stated from five to fifteen hundred, of whom a small proportion were rebels, who had fled from Upper Canada. They began to entrench themselves, and threatened that they would, in a short time, make a landing on the Canadian side of the Niagara River.

To prevent this and keep them in check, a body of Militia was hastily collected and stationed on the frontier, under the command of Colonel Cameron, Assistant Adjutant General of Militia, who was succeeded in his command by Colonel MacNab, the Speaker of the House of Assembly, an Officer whose humanity and discretion, as well as his activity, have been proved by his conduct in putting down the insurrection in the London District, and have been acknowledged in warm terms of gratitude by the misguided persons who had surrendered themselves into his hands. He received orders to act on the defensive only, and to be careful not to do any act which the American Government could justly complain of as a breach of neutrality.

An official statement of the unfriendly proceedings at Buffalo was without delay (on the 13th December,) made by me to His Excellency the Governor of the State of New York, and after this open invasion of our territory, and when it became evident that nothing was effected at Buffalo for preventing the violation of neutrality, a special Messenger was sent to Your Excellency at Washington, to urge your interposition in the matter. Sufficient time has not yet elapsed to admit of his return. Soon after his departure, this band of outlaws on Navy Island—acting in defiance of the laws and government of both countries—opened a fire from several pieces of ordnance upon the Canadian shore, which in this part is thickly settled: the distance from the Island being about six hundred yards, and within sight of the populous Village of Chippewa. They put several balls (six pound shot) through a house, in which a party of

Militia-men were quartered, and which is the dwelling-house of Captain Usher, a respectable inhabitant. They killed a horse on which a man at the time was riding, but happily did no further mischief, though they fired also repeatedly with cannon and musketry upon our boats. They continued daily to render their position more formidable—receiving constant supplies of men and warlike stores from the State of New York, which were chiefly embarked at a landing-place on the American main shore, called Fort Schlosser, nearly opposite to Navy Island. This place was once, I believe, a military position before the conquest of Canada from the French; but there is now neither Fort nor Village there, but merely a single house, occupied as a tavern, and a wharf in front of it, to which boats and vessels are moored. The tavern had been, during these lawless proceedings, a rendezvous for the band, who cannot be called by any name more appropriate than pirates; and was, in fact, openly and notoriously resorted to as their head quarters on the main land, and is so to this time. On the 28th December, positive information was given to Colonel MacNab, by persons from Buffalo, that a small steam-boat called the *Caroline*, of about fifty tons burthen, had been hired by the pirates, who call themselves "Patriots," and was to be employed in carrying down cannon and other stores, and in transporting men and any thing else that might be required between Fort Schlosser and Navy Island.

He resolved if she came down, and engaged in this service, to take or destroy her. She did come down, agreeably to the information he received. She transported a piece of artillery and other stores to the Island, and made repeated passages during the day between the Island and the main shore. In the night he sent a party of militia, in boats, with orders to take or destroy her. They proceeded to execute the order. They found the *Caroline* moored to the wharf, opposite to the inn, at Fort Schlosser. In the inn there was a guard of armed men to protect her, part of the pirate force, or acting in their support. On her deck there was an armed party, and a sentinel who demanded the countersign. Thus identified as she was with the force, which, in defiance of the law of nations, and every principle of natural justice, had invaded Upper Canada, and made war upon its unoffending inhabitants, she was boarded—and after a resistance, in which some desperate wounds were inflicted upon the assailants, she was carried.

If any peaceable citizens of the United States perished in the conflict, it was and is unknown to the captors: and it was and is equally unknown to them, whether any such were there. Before this vessel was

thus taken, not a gun had been fired by the force under the orders of Colonel MacNab, even upon this gang of pirates—much less upon any peaceable citizen of the United States. It must, therefore, have been a consciousness of the guilty service she was engaged in, that led those who were employing her to think an armed guard necessary for her defence. Peaceable citizens of the United States were not likely to be found in a vessel so employed at such a place, and in such a juncture: and if they were there, their presence, especially unknown as it was to the captors, could not prevent, in law or reason, this necessary act of self-defence. Fifteen days had elapsed since the invasion of Upper Canada by a force enlisted, armed and equipped, openly in the State of New York. The country where this outrage upon the law of nations was committed, is populous. Buffalo alone contains 15,000 inhabitants. The public authorities, it is true, gave no countenance to these flagrant acts, but they did not prevent them, or in the slightest degree obstruct them, farther than by issuing Proclamations, which were disregarded. Perhaps they could not—but in either case, the insult and injury to the inhabitants of Canada were the same, and their right to defend themselves equally unquestionable.

No wanton injury was committed by the party who gallantly effected this service. They loosed the vessel from the wharf, and finding they could not tow her against the rapid current of the Niagara, they abandoned the effort to secure her, set her on fire, and let her drift down the stream.

The prisoners taken were a man who, it will be seen by the Documents accompanying this Despatch, avowed himself to be a subject of Her Majesty, inhabiting Upper Canada, who had lately been traitorously in arms in that Province, and having fled to the United States, was then on board for the purpose of going to the camp at Navy Island, and a boy, who being born in Lower Canada, was probably residing in the United States, and who, being afraid to land from the boat in consequence of the firing kept up by the guard on the shore, was placed in one of the boats under Captain Drew, and taken over to our side, from whence he was sent home the next day, by the Falls Ferry, with money given him to bear his expenses.

I send with this letter—1st. A copy of my first communication to His Excellency Governor Marcy, to which no reply has reached me.

2nd. The official reports, correspondence and Militia general order, respecting the destruction of the *Caroline*, with other documents.

3rd. The correspondence between Commissary General Arcularius, of the State of New York, respecting the Artillery belonging to the Government of the State of New York, which has been and is still used in making war upon this Province.

4th. Other correspondence arising out of the state of things on the Niagara frontier.

5th. The special Message of Governor Marcy.

It will be seen from these documents, that a high Officer of the Government of the State of New York, has been sent by His Excellency the Governor, for the express purpose of regaining possession of the Artillery of that State, which is now employed in hostile aggressions upon this portion of Her Majesty's dominions, and that being aided and favoured as he acknowledges by the most friendly co-operation which the Commanding Officer of Her Majesty's Forces could give him, he has been successfully defied by this army of American citizens, and has abandoned the object of his mission in despair.

It can hardly fail to be also observed by Your Excellency, that in the course of this negotiation between Mr. Van Rensselaer and the Commissary General of the State of New York, this individual, (Mr. Van Rensselaer,) has not hesitated to place himself within the immediate jurisdiction of the Government whose laws he had violated, and in direct personal communication with the Officer of that Government, and has, nevertheless, been allowed to return unmolested, to continue in command of American citizens engaged in open hostilities against Great Britain.

The exact position then of affairs on our frontier may be thus described :

An army of American citizens joined to a very few traitors from Upper Canada, and under the command of a subject of the United States, has been raised and equipped in the State of New York, against the laws of the United States and the treaties now subsisting, and are using artillery plundered from the arsenals of the State of New York, in carrying on this piratical warfare against a friendly country.

The Officers and Government of the United States, and of the State of New York, have attempted to arrest these proceedings, and to control their citizens, but they have failed. Although this piratical assemblage are thus defying the civil authorities of both countries, Upper Canada alone is the object of their hostilities. The Government of the United States has failed to enforce its authority by any means, civil or military, and the single question, if it be a question, is whether Upper Canada was bound to refrain from necessary acts of self-defence against a people whom their own Government either could not, or would not controul.

In perusing the Message of His Excellency Governor Marcy to the Legislature of the State of New York, Your Excellency will probably feel some degree of surprise, that after three weeks' continued hostility carried on by the citizens of New York, against the people of Upper Canada, His Excellency seems to have considered himself not called upon to make this aggression the subject of remark for any other purpose than to complain of a solitary act of self-defence on the part of Her Majesty's Province of Upper Canada, to which such unprovoked hostilities have unavoidably led.

I have, &c.

(Signed) F. B. HEAD.

His Excellency HENRY S. FOX,
Her Majesty's Minister, Washington.

Copy of a Despatch, from His Excellency Sir Francis B. Head, Baronet, Lieutenant Governor of Upper Canada, to His Excellency Henry S. Fox, Esquire, Her Majesty's Minister at Washington.

GOVERNMENT HOUSE,
Toronto, 30th January, 1832.

SIR,

When I had the honor of addressing Your Excellency on the subject of the destruction of the *Caroline*, I contented myself with sending you a statement of the facts as they were reported to me officially, corroborated by several affidavits. I did not think it necessary to trouble you, either with arguments of my own upon the unreasonableness of the complaint which was made on account of that transaction, or with any contradiction or notice of the extraordinary mis-statements which were going the rounds of some of the American newspapers.

Upon this latter point, I was the less careful to put you on your guard, because from numerous remarks made in respectable American papers, I perceived it to be very notorious there, as well as here, that no credit could be attached to the accounts given of Canadian affairs in the papers printed along the frontier of the United States. I believe I should scarcely err, if I were to say, that in most of them nothing has been stated truly from the beginning—and that in many of them not the slightest regard appears to have been paid to truth.

Since I wrote to you, I have learned nothing that would authorize my receding in any point from the statement then given—and it was with no less astonishment than disappointment that I found either the Government

of the State of New York, or the Federal Government, adopting as true the most false and exaggerated statement of the destruction of the *Caroline*, and not hesitating to speak of that just and rightful act of self-defence, as an assassination of American citizens. I must confess that I cannot but look upon the application of such a term to such an act, as scarcely a less outrage than any of those gross infractions of their rights, which have compelled the people of Upper Canada to arm in their defence.

Though it has been variously stated, that from twelve to twenty-two peaceable citizens of Buffalo were murdered in the *Caroline*, I have not yet found that the name of a single person has been ascertained, or even mentioned, as having perished on that occasion, except one Durfee, who, I am informed, was killed in arms, and who, moreover, was really a British Subject, usually resident in Canada until within the last few months. I only recur to these circumstances, because I am desirous of vindicating the gallant men who performed this plain and necessary act of duty to their country, from the charge of wanton cruelty. If the resistance they met with had led to a further loss of life, their conduct would not have been the less justifiable. It is almost too obvious an observation to make, that if an army of American citizens had taken up a position on their side of the Niagara River, at a point where no island intervened, and had begun battering the houses and people upon our shore, and if this shameful aggression, with guns taken from the United States arsenals, had continued for weeks, without any effectual interposition on the part of the American Government, Her Majesty's Subjects would have had an unquestionable right to attack the batteries, and disperse the lawless band which carried on this disgraceful warfare—and of course a right to attack any boat or vessel employed in their service, and carrying them guns or men. To call so necessary an act of self-defence a violation of neutrality, would of course be absurd—whatever insult or injury it would occasion to American territory must be ascribed to that portion of their own citizens who were in arms against their authority, and committing outrages on their unoffending neighbours. This being so, it can surely make no difference favourable to the United States, that the army of American citizens did, in this instance, first commit the gross wrong of taking forcible possession of British ground, that they might fire more effectively from thence—it was merely taking two steps in committing the injury, instead of one.

Your Excellency, I dare say, has not failed to observe that at a Criminal Court in the State of New York, an indictment has been found for murder against Captain Drew, and others who are supposed (but some of

them erroneously) to have been present at the capture of the *Caroline*. I cannot but believe that the American Government will feel it to be due, no less to their own character than to their relations with Great Britain, to interest themselves in arresting any such proceeding. The act was done by public authority, in the prosecution of a warfare to which this Province was driven by the outrageous aggressions of American Citizens. The British Nation is to answer for it, and not individuals zealously acting in her service.

Your Excellency will have learnt from various channels, the occurrences which have taken place on our western frontier, opposite to the State of Michigan. There a large force, stated in the newspapers of Detroit not to be less than 1,000, or 1,200 in number, with arms and artillery taken from one or more public arsenals, attempted to invade this Province—and did, indeed, actually possess themselves of the Island of Bois Blanc, in the River Detroit. With an armed schooner they commenced battering the town of Amherstburgh, and intended on the next day to have made a descent on the main land, but their further progress was arrested by the gallant conduct of some militia volunteers, who attacked and boarded the schooner, and took several prisoners, together with the guns, arms and military stores on board of her. A considerable military force is now stationed on our western frontier.

I send you the Proclamations issued by Mr. Sutherland, an American citizen, who styled himself General of the 2nd Division of the Patriot Army—Van Rensselaer's band of ruffians, I suppose, forming the first. These will shew you the nature and object of the expeditions to whose attacks the people of Upper Canada have been exposed.

Among the prisoners taken on this last occasion, were several American citizens.

I need scarcely state to you, that the necessity of being armed at all points along our extensive frontier, has occasioned an enormous expenditure to the British Government. The American, I perceive, has called on Congress to provide \$800,000 for the pay and outfit of a force necessary to keep down the excitement on the Niagara frontier alone. You will readily understand, therefore, how much greater must be the expense which this Government is put to by the preparations necessary to meet attacks at various points. The hostile spirit manifested in Michigan, appeared likely to be attended with more serious consequences than the movements along the Niagara frontier.

I send Your Excellency a copy of some correspondence which has taken place since Major General Scott's arrival at Buffalo. Fortunately the pirates have dispersed without any thing farther occurring that can

give rise to controversy, and I have no doubt their removal was hastened by the active measures at length taken by the American Government, for preventing their receiving supplies of arms and provisions. It would give me pleasure if I could add, that in the conduct of the American militia stationed on Grand Island, or in the construction which the officers of the American Government seemed disposed to put on the relative rights of the two countries, under the extraordinary circumstances in which they were placed, I have discovered satisfactory proof of a spirit calculated to contribute to the restoration of permanent tranquillity.

When a people has been insulted and aggrieved, as the people of Upper Canada have been, it is not to be supposed that they can feel it necessary to perplex themselves with researches into books upon the law of nations—they will follow a more unerring guide in obeying the irresistible natural instinct of self-preservation. By the cannonading from Navy Island three inhabitants of this Province have been killed—there is no extenuating circumstance which can make the offence less than murder; and if it can be claimed as a right on this, or upon other occasions, that the perpetrators shall be allowed to escape with impunity into the country from whence they came in an armed body, to commit these flagitious outrages—if it be maintained that to cross the line of division through the waters of the Niagara to destroy them, or to cut off their resources, is a violation of American neutrality, then it can only follow, that when the American people are suffered to commit such gross outrages upon the Province of Upper Canada, they must bring upon themselves the consequences of a public war, for unquestionably the right of self-defence will be exercised—it is not in the nature of things that it should be forborne.

I am upon the point of being succeeded in the Government of Upper Canada by Colonel Sir George Arthur, and I cannot depart from the Province without offering to Your Excellency, on the part of its inhabitants, my most grateful thanks for your prompt and able interposition to protect them from foreign aggression. I have been extremely gratified by the earnest solicitude shewn by Your Excellency, to discharge your delicate and important duties satisfactorily and with effect. I can assure Your Excellency, that the people of Upper Canada feel deeply how much they are indebted to you, as the Minister of their Sovereign, for your conduct on this anxious and important occasion.

I have the honor to be, &c. &c.

(Signed)

F. B. HEAD.

His Excellency HENRY S. FOX, &c. &c. &c.

Washington.

APPENDIX D.

PROCLAMATION.

TO THE PATRIOT ARMY OF UPPER CANADA,

COMPANIONS IN ARMS!

True courage is always accompanied with high honor, and with mercy to a subdued enemy.

We fight not for plunder, or power to oppress, but for liberty and sacred rights, and the common cause of all mankind.

Our friends have been plundered, and driven from their wives and daughters, dragged from their beds, and exposed to the most outrageous insults, and almost every part of our territory is groaning under the most insupportable tyranny.

To redress these wrongs we are assembled in arms. Let us behave like men who love justice, and scorn and defy oppression.

Soldiers of Liberty! In order to ensure success and a glorious victory, it will be necessary to enforce the most rigid military discipline.

No one, having joined the army, will be allowed, without permission of the Commanding Officers, to leave the ranks. Every desertion will be punished with death.

All orders must be strictly obeyed. No one must act, under any circumstances, but in obedience to the officer having command.

Every person NOT IN ARMS must be protected in his person from all harm.

All private property must be respected. Not a single infringement of private rights or possession will escape the most severe punishment.

No one not in arms or regularly enrolled, will be permitted to follow the camp. Every idler will be taken up and punished.

Companions and Soldiers!—We march to restore, not to destroy good order—to preserve, not to violate wholesome laws—to establish equal rights and justice, yielding to others as rigidly as we demand our own.

THO'S. J. SUTHERLAND,

Brigadier General.

Commanding 2nd Div. Patriot Army, U. C.

Head Quarters, 2nd Division,
Bois Blanc, U. C. January 9th, 1838. }

PROCLAMATION.

TO THE PATRIOTIC CITIZENS OF UPPER CANADA.

You are called upon by the voice of your bleeding country to join the patriot forces, and free your land from tyranny. Hordes of worthless parasites of the British Crown are quartered upon you to devour your substance—to outrage your rights—to let loose upon your defenceless wives and daughters a brutal soldiery.

Rally then around the standard of Liberty, and victory and a glorious future of independence will be yours.

THO'S. J. SUTHERLAND,

*Brigadier General,**Commanding 2nd Division Patriot Army, U. C.*

Head Quarters, 2nd Division,
Bois Blanc, U. C., January 9th, 1838. }

PROCLAMATION.

TO THE DELUDED SUPPORTERS OF BRITISH TYRANNY IN UPPER CANADA.

You are required to lay down your arms, and return quietly to your homes. The patriot army of Upper Canada desire not bloodshed. We fight only for liberty, and personal and public safety.

Your persons and property shall be protected, all your private rights preserved to you, your homes secured, your possessions untouched, on condition that you yield up your weapons and return to your accustomed occupations.

You are now enjoying a moiety of liberty vouchsafed to you from motives of caprice or interest on the part of your rulers. We will secure to you all the blessings of freedom by a permanent and honorable tenure.

Avoid then the horrors of war. Enrage not soldiers already exasperated by oppression. Save yourselves from confiscation. Cease resistance, and all will be well with you.

THO'S. J. SUTHERLAND,

*Brigadier General,**Commanding 2nd Division, Patriot Army, U. C.*

Head Quarters, 2nd Division,
Bois Blanc, U. C. January 10th, 1838. }

APPENDIX E.

Letter of Colonel Radcliffe, Commanding Western District Frontier, to Lieutenant Colonel Strachan, Military Secretary.

AMHERSTBURGH, January 10, 1858.

Sir,

I beg to state for the information of His Excellency the Lieutenant Governor, that on the 9th of January, 1858, the Schooner "Anne" of Detroit, in the service of the Rebels occupying Bois Blanc Island, was lying in the channel between the Island and Fort Malden, and at dark it was perceived she neared the shore. On receiving this information I reinforced the guards and pickets, and called the garrison to arms, the vessel then got under way and passed the town, into which she threw some round shot and grape; I immediately expected she would land men at a place called the Point, and exactly opposite the Light House at Bois Blanc, and ordered the men to proceed to that point, where I had a guard of 20 placed, and reinforced by an out-lying picket of 40 men. The vessel came close up to the shore and commenced firing grape and round shot, and musketry; the militia opened a brisk fire, and the Schooner ceased firing, when it was thought by some that she was willing to surrender; however as she would not pull down the flag our men boarded her, although up to their arms in water.

The General (Dr. Theller) was at that moment in the act of reloading the six pounder they had on board—Captain Lang, of the Lake Merchant Navy, took the cartridge out of the mouth of the gun—Mr. Ironside, acting Captain of Militia took the flag. We found on board 21 persons, 1 killed, 8 wounded, 12 prisoners, 3 pieces of cannon, not very useful, about 200 stand of arms, buff cross belts, ammunition, but of this but a small supply. When I receive a return you shall be informed more at length.

I have given directions to set fire to the Schooner as soon as all the stores are taken out of her. I have just been informed that the enemy has got a steamer from Detroit called the Erie, the Rebels seized her, and the Mayor or Governor ordered her to be retaken, but the Rebels refused, the City Guards did not give them any further trouble, in fact every thing is done in this way; the Rebels have taken 8 pieces of cannon at Detroit in the same way, and they are now on board the Macomb steamer at Detroit, and of course will be employed against us to-morrow.

One of our scouts has just come in to say, that he supped in company with some Rebels at Gibraltar Point last night, and they there said

that it was their intention to attack Sandwich this night, that they would divert us by a show of passing about the channel, but the object was Sandwich.

I am now informed that the Erie steam boat has passed between Bois Blanc and Sugar Island, and has discharged some cannon, I have ordered reinforcements to this point, and if I hear that they are coming nearer I shall beat to arms. This seems to be our weakest point, and I wish His Excellency would send a Company or two of the Line to assist. I have just had a letter from Colonel Hamilton at Windsor, saying that he had been well informed that the rebels intended to attack Chatham this night; and if the water was not sufficient to take them up, that they would try Windsor or Sandwich.

This end of the country is very much exposed and should be attended to in time. I have issued orders to send 100 men to Sandwich to assist there in case of attack.

I should be glad to know if His Excellency wishes to employ the Indians.

I have sent the prisoners to London Gaol.

Your obedient servant,

THO'S. RADCLIFFE,

Col. Commanding Western District Frontier.

N. B.—The "Anne" of Detroit, is aground, but have not yet burned her.

Lieut. Col. STRACHAN, Military Secretary.

APPENDIX F.

(From the Michigan Observer, of 17th January, 1838.)

THE CANADA CRUSADE.

We had barely time to express, in our last, our deep abhorrence of the part the great mass of our citizens were acting, in relation to the affairs of Canada. It really seemed as though they were perfectly beside themselves in this matter. Almost the entire mass of our population were wrought up to the highest pitch of excitement in behalf of the "Patriots." Such was the demonstration of popular feeling, that the man who had the moral daring to stand up in defence of the Constitution and the laws, was hissed at and stigmatized as a Royalist. And we are told, that this kind of phrenzy had spread itself into the Interior, and to

a greater or less extent, thrown nearly the whole population of the State into commotion.

We are happy now in being able to say, that a reaction to some extent, has taken place, and that our citizens appear to be coming to their senses. The motley group who were collected near the mouth of the river, to the number of ten or twelve hundred, have been partially dispersed; some of them have returned to their homes, and the remainder, with their commander, we are told, are lurking about this city.—From all we can learn, we should think there never was such another set of men collected together on any occasion. We need not inform our readers, that every miserable vagabond in the street, when under the inspiration of alcohol, imagines that he was born to command. We do not say, that any such reason as this should be alleged to account for the fact that there was such a host in this army of "*Patriots*," who put in their claims to command and so few who were willing to be commanded, and that this was one of the causes which contributed to their dispersion, —because we were not there, and did not see it.

We will now endeavor to give some account of the operations of this *Patriot* army. A man by the name of Theller, who kept a large whiskey establishment in this city, (Dr. Theller, we believe he was called) joined the *Patriots*, and the next we hear of him, he is "General Theller," and the next is, that he, with 12 others, many of them "gallant officers," are on their way to London jail, to be tried for high treason against the British Government. They were captured on board the schooner *Anne*, together with a large proportion of the arms, ammunition, and provisions of the "*Patriot* army." There are many versions of the affair afloat, but the most probable seems to be, that Theller had the recklessness to sail up in front of Malden and pour his broadsides in upon the town, with the expectation of taking possession of it at once, and running away with all the glory. The sequel seems to be wrapped in mystery. One account says, that the British army lay concealed behind piles of wood and lumber, and that at a signal given, they opened a heavy fire upon the schooner, killing several, and cutting the rigging so as to render her unmanageable. Another story is that they were driven ashore by a strong adverse wind. Which account is correct, or whether either is, it is impossible to say, though the former is the most probable.

Within a day or two, several persons have been arrested in this city, on the charge of contravening the laws in aiding the rebel army. A Mr. McKinny, the chief manager of the *Detriot Theatre*, who had suddenly become transformed into a Colonel, has been bound over to take his trial at the June Court. We believe that some others have also been bound over,

A Mr. Sutherland, who is called their General in Chief, or some such name, was also arrested and examined before Judge Wilkins, but we believe the Judge decided, that *the evidence before the Court*, was not sufficient to authorize his commitment. We are told that he professes to be a man of fair character.

What are the intentions of that portion of the disbanded army who are now in this city, is not known, but it is supposed, that they are concerting a new plan of operations, and that they are determined to try their fortunes once more. Our city is in a constant turmoil from the presence of these men. The military is kept in constant requisition for the protection of the city, and not a night passes, but the quiet of our citizens is disturbed.

Great indignation, we are told, is felt by these self-styled patriots, and those who sympathise with them, because the colored people on the other side of the river, have taken up arms and rallied around the standard of their adopted country; and we are credibly informed, that it is the intention of these men, should they succeed in their designs, to send every colored man in the Province back into Southern bondage, so fast as they shall be claimed. And who can wonder, that the colored people of Canada should be attached to a government which reached out its arm of mercy, and took them in? Who can wonder, that from their experience in regard to the *free institutions* of our country, they should be filled with horror at the thought, that similar institutions were to be established over them?—This very attachment is highly honorable to them as men. It shows, that they are men of true hearts, and will never betray a benefactor. It shows moreover, that they are capable of appreciating the blessings of liberty, and dread nothing so much as the woes of slavery.

How absolutely pitiful is it to see men so concerned to establish free institutions upon British soil, when we consider the condition of our own country, distracted and torn, over-run by murderous mobs, which bid defiance to the civil arm, and triumph in their blood, thus exposing our institutions to the derision of the world. If these men have patriotism, they need not go beyond the confines of our own beloved, bleeding country, to find full scope for its exercise. Infinitely better is it to be under British rule, or Russian despotism, or under anything in the shape of government, than to be at the mercy of a mob. And if things are to go on for a few years to come, as they have done for a few years past, who can tell but the dominions of Britain will be a refuge for us and our children, as they are now for the oppressed and suffering slave?

APPENDIX G.

Petition of the President and Secretary of the Constitutional Society of Montreal.

To the Knights, Citizens and Burgesses, of the Province of Upper Canada, in Provincial Parliament assembled.

The Petition of the undersigned, for themselves, and in behalf of the Constitutional Association of Montreal—

Respectfully represents to your Honorable House :—

That anarchy and confusion have set the laws at defiance, and destroyed the harmony and quiet of social life ; that sedition and rebellion, followed by atrocious murder, robbery and rapine, have loudly proclaimed themselves in the most populous and prosperous portion of Lower Canada ; and that the rights, the interests and the property, of the Provincial Inhabitants of British origin, have been jeopardized, by the designs of a revolutionary French faction, madly bent upon their destruction.

That in order to expose the real views and designs of that faction, the Constitutional Association of Montreal have undertaken the important duty of explaining to your Honorable House, as succinctly as the nature of the subject will admit, the real cause of the discontent which has called into being the active disturbances at present most unhappily, and at the same time most unjustifiably, existing in this Province, and of appealing to the sympathy of your Honorable House in behalf of the inhabitants of British origin in Lower Canada—for the protection of their rights as British Subjects—the maintenance of the Provincial connection with the Parent State—and the acquirement, from the justice of the Imperial Government, of those remedial measures which will prevent a recurrence of existing disorders, and secure the prosperity and improvement of the Colony.

At the conquest of the Province of Quebec by the British arms, the greater proportion of its inhabitants chose to remain in the Province, trusting to the generosity of their Conquerors, rather than to return to the country of their ancestors ; they became British Subjects by the mere fact of their Provincial residence, and subsequent civil and political benefactions conferred upon them, demonstrated their well-placed trust in the generosity of the British Government.

The full exercise of their religious worship—the complete enjoyment of their ancient civil laws—and the undisturbed use of their native language, were among the number of civil and social privileges guaranteed to them; and political privileges of equal extent to those enjoyed by the British Provincial inhabitants, were, in addition, subsequently bestowed upon them.

The uncongeniality of the French laws, as a system of Provincial Civil Jurisprudence, with the spirit and feelings of British settlers, and their expressed desire for a change, from the petty tyranny of a Governor and Council to the freedom of a Representative Provincial Government, procured still greater advantages for the French Canadians. In the year 1791, the division of the Province of Quebec into the two separate Provinces of Lower Canada and Upper Canada, was carried into effect, and a Constitution similar to that of the Parent State was conferred upon each, whilst at the same time universal suffrage was, in effect, granted to their inhabitants.

It was conceived that this measure, by which one division should consist, as much as possible, of those who were well inclined to the English laws, and the other, of those who were attached to the French laws, was best adapted to put an end to all disputes of a legal sort—to reconcile the jarring interests and opposite views of the Provincial inhabitants—to prevent a great degree of animosity and confusion, from their rooted opposition of interests—and to obviate dissatisfaction from a great ascendancy of one party over another in a United Legislature. Two objections to the measure were, however, neglected by the Minister of the day—that it fostered a population of foreigners in a British Colony, and that it contained no provision whereby the inhabitants of the British Islands should be totally excluded from settling themselves in Lower Canada.

The experience of fifty years of separation between the Provinces, and the present insurrectionary and seditious spirit exhibited in Lower Canada, plainly show how far the advantageous results anticipated from that impolitic and undesired measure have been realized.

The possession of the right of almost universal suffrage, and of a numerical popular majority of the Provincial constituency, gave

the complete command of the Representative branch of the Legislature to the French Canadians, who soon exhibited a perfect knowledge of their advantage, and of that exclusive spirit which has since invariably actuated all their proceedings, and grown into a firm determination to accomplish their final purposes, of the destruction of the interests and rights of the Provincial inhabitants of British and Irish origin, and of the Provincial connection subsisting with the Parent State.

A cursory examination of the composition of the House of Assembly, from its establishment, will show, that with scarcely an exception, no individual of British or Irish origin has been returned to serve as a Member of that body by a French Canadian majority, unless as a pledged supporter of French Canadian principles; with scarcely an exception, no Provincial law has been passed, how much soever required for the support of the interests, or the protection of the rights of the inhabitants of British and Irish origin, and that even these legal exceptions were invariably of a temporary nature, and subject to the capricious pleasure of French Canadian majorities. The spirit of the legislation of that body will show, that its temporary character was adopted to render the Province the more completely subject to their control, or to enable them the more easily to take advantage of their expected predominance, for the abrogation of those very temporary laws which they had been constrained to pass. The political principles of that body will show a fixed opposition to British interests, not only in their aversion to or rejection of every measure which would tend to the introduction of capital and of a British population into the Province; as, for example, an effectual system for the registration of mortgages and an abrogation of the feudal tenure; but also in their positive introduction and adoption of every measure likely to tend to the privation of British and Irish rights, or to the destruction of British and Irish interests, such as the existing County division of the Province, by which the British and Irish constituency in the Seignories has been completely swamped in the greater numbers of the French Canadians, and the defeated attempt to deprive their fellow Subjects of British and Irish origin in the Cities, tenants of leasehold property in co-partnership, from a right of voting for Members of the Assem-

bly. The claim of that body for the sole management and disposal of the whole Revenue of the Province, has constantly had in view the attraction into their own hands of the entire Provincial authority, and of the subjection of the Executive Government to their arbitrary will. From their first insidious attempt in 1795, to obtain the repeal of the permanent appropriation contained in the Act of 1774, for the support of the Civil Government and the administration of Justice, thereby to subject the Executive Government to their good pleasure, for any further support than the pittance they then agreed to allow, through the whole course of the financial difficulties, which they have never allowed to slumber, by means of their annual Supply Bills—their difficulties as to the items of that supply—their representations in 1822, not to grant permanent supplies, or supplies during the Sovereign's life—their delegation to England in 1828—and the whole category of their agitation upon this subject down to the year 1831, when the full accomplishment of their long sought desires was obtained from the good faith of the British Government, by the repeal of the permanent appropriations, their first, last great object, was to obtain possession of the Provincial Revenues, well knowing that by this means the Government would be cast into their hands. Finally, the detail of the grievances of that body as representing the opinions of their constituency, the so called great mass of the population, complete the evidence of their exclusive interests; in them will be found the abrogation of the Charter granted to the British American Land Company, by means of which the Assembly sought to assume the management of the Waste Lands in the Townships, and thereby to prevent the settlement therein of a British and Irish population; the repeal of the Tenures Act, by which a commutation of Seignorial tenure may be effected, from their apprehension of its leading to the introduction into the Province of British capital; their indisposition to encourage the settlement of the Townships of this Province, because they are principally inhabited by a British, Irish, and American population; their unwillingness to co-operate with Upper Canada in the extensive improvements in progress in that Province, by which its settlement and prosperity might be augmented, and like advantages might thereby accrue to the British and Irish inhabitants of Lower Canada; and their pertinacious endeavours to render the Legislative Council

elective, because in it alone were to be found the means of opposing the exclusive pretensions, and of protecting British interests. The history of the House of Assembly in its composition, its legislation, its spirit and political principles, fully establish the aim which its Members have constantly kept in view—the aggrandizement of the population of French, and the oppression of that of British origin.

The recorded testimony of a French Canadian leader, and one of the Delegates to England, in 1828, to represent the grievances of his fellow countrymen, and since that time their paid Agent for similar purposes, corroborate the views taken by the Constitutional Association; he declared in his examination before the Canada Committee of the House of Commons in 1828, that “the establishment of the English laws as applicable to property held in the townships on the tenure of free and common soccage, would be an infringement of the rights belonging to the French Canadians, if not done by the Legislature of Lower Canada; that the French laws should be allowed to continue all over the country—that facilities should have been given to the French Canadians to settle in the townships—that the means of going there should have been given to them—that a system of education according to the notions and ideas of the French Canadians should have been followed—that the desire of the French Canadians must necessarily be to keep up their own Institutions, and to preserve their laws in every part of the country—that the Legislative Council should be composed of men who would side with the mass of the people, and in effecting this latter arrangement, that its natural effect would be to secure the means of extending the French laws and the French Canadian system over Lower Canada.”

In the full and complete security of their persons and property, in the free and unrestricted enjoyment of their religious worship, their ancient civil laws, their native and beloved language, and of an equality of rights and privileges in the Provincial Representative Government, with their fellow Subjects of British and Irish origin, in possession, moreover, of a numerical majority, the French Canadians could have no sympathies in common with people of another race and speaking another language, no inducement to divest themselves of prejudices dear to them alike from the associa-

tions of country and the recollections of life, or to abandon habits and customs which they cherished, and to which they were firmly attached, for the questionable advantages to be obtained from assimilation with strangers, whom they were taught to disregard; and the natural consequence has been, that in proportion as the French Canadian population has increased, those evils have likewise increased, until the repugnance to British interests and British connection has finally assumed the form of open and declared rebellion.

The French Canadian population were thus not only nationally inclined to mark their active opposition to their fellow Subjects of British and Irish origin, but they have been taught to consider them as strangers and trespassers upon their soil; they have been taught to feel towards them none of those kindly sympathies which unite together subjects of the same country and possessors of the same rights; they have, in fine, been taught to believe themselves oppressed by their fellow Subjects of British and Irish origin, and to imagine that they possessed the power of expelling their oppressors. Overlooking moral feebleness in physical capability, desperate men, made an open livelihood by influencing the population of French origin to acts of violence; missionaries of insurrection by their own example, ostentatiously shewed to them the manner of setting the laws at defiance; and individuals, loaded with every species of personal contempt, aggravated a local pressure into popular tumult, or embittered an unimportant grievance into bloodshed. In all cases the object was attained,—active discontent was introduced into the passive population, and noon-day meetings gradually ripened into sedition and rebellion.

It is this exclusive French spirit alone which has given rise to all the discontent existing in this Province—it is this which has in fact made this question one of national origin, and not of political party—in it is to be discovered the source of all the disturbances which have brought sedition and rebellion in their train—and in it alone is to be found a full and complete answer to the enquiry, to what causes the present unhappy condition of this Province is to be ascribed.

This conclusion is borne out by the text-book of the complaints of the French Canadian Representatives, adopted in 1834,

the famous ninety-two resolutions of the House of Assembly, in which will be found a detail of grievances and abuses which that body knew to be either altogether redressed, or in active course of being so; reference is therein principally had to those which have already been adverted to, the introduction of the elective principle into the composition of the Legislative Council, the abrogation of the Tenures Act, and the disposal of the whole revenue of the Province; the two former have been most wisely refused, the latter unwisely granted—while by their own admission, no real oppression exists in the Province, and no real grievance consistent with the preservation of British supremacy remains undressed.

The French Canadian leaders have endeavoured to excite the sympathy of the citizens of the United States, and of the professed Republicans in Upper Canada, in behalf of themselves and their fellow-countrymen, by constantly appealing to their assistance for the support of popular institutions and popular rights, as if their real views were Republican, and as if that form of government were favored by the French Canadian population. It is sufficient to meet this fallacious inference with a direct denial as being contrary to the fact, and to the habits, feelings and customs, of that population, and as being altogether disproved by the evident principle of all the measures which have been proposed or approved by the French Canadian population, or its Representatives in Provincial Parliament assembled, which plainly show that their views did not extend beyond the means of securing their own exclusive designs and intentions.

Your petitioners submit—that the Provincial inhabitants of British origin have real and substantial grounds of complaint,—they have been compelled to submit to a system of Jurisprudence foreign to their habits and injurious to their interests, to a feudal law which to the disgrace of the Provincial Legislature finds a home in Lower Canada alone, to a denial of those Legislative improvements which would have introduced British capital and enterprise into the Province and increased therein a British population, and to their privation of their dearest rights as British subjects, in their virtual exclusion from a just participation in the Provincial Representation.

Although their supplications and petitions for relief have been unheeded, amidst the clamours of an insurrectionary faction, these loyal subjects still confidently trust in the magnanimity of the Mother Country, and still anticipate from her justice an entire redress of their unmerited and patiently endured grievances.

At the same time your petitioners conceive that, without a total abandonment of the policy now adopted towards this Province, and its Anglification in fact as well as in appearance, by means principally of its re-union with Upper Canada, the same evils will exist, the same causes of disorder will continue, and the same attempts at sedition and rebellion will again occur.

Your Petitioners are firmly convinced that, the re-union of the Canadas is not only the most effectual means of preventing a recurrence of the disasters which have already occurred, but that it will produce to Upper Canada advantages which cannot be anticipated from any other measure,—a more equal proportion of the General Revenue, a free outlet to the Ocean, and a practical utility for the magnificent improvements in progress at her expense within her own limits,—and that it will at the same time promote the prosperity of both the Provinces—secure their just dependance upon the British Government, and prevent a dismemberment of the Empire.

Your Petitioners most respectfully entreat your Honorable House, to take the situation of the British inhabitants of Lower Canada into your serious consideration, and to adopt such measures as will promote the objects which your Petitioners have in view—the complete Anglification of this Province, and its re-union with Upper Canada.

And your Petitioners, as in duty bound, will ever pray.

PETER MCGILL,

President, Constitutional Association of Montreal.

W. BADGLEY,

Secretary, Constitutional Association of Montreal.

MONTREAL, 13th December, 1837.

APPENDIX H.

Resolutions of the Assembly of Lower Canada, for expunging Speech of the Governor-in-Chief from their Journals.

MONDAY, 23rd February, 1835.

The House went into Committee on His Excellency's Speech at the close of the last Session, and passed the following resolutions, which were reported and agreed to :—

1. **RESOLVED**—That any censure of the proceedings of this House on the part of another branch of the Legislature, or of the Executive Government, is a violation of the Statute in virtue of which this House was constructed; an infringement of its privileges which they cannot dispense with protesting against, and a dangerous attack upon the rights and liberties of His Majesty's Subjects in this Province.

2. **RESOLVED**—That that part of the Speech of His Excellency the Governor-in-Chief addressed to this House on the 18th March last, at the close of the last Session, and which relates to the petitions addressed by this House to His most gracious Majesty, and to the two Houses of Parliament of the United Kingdom, on the state of the Province, complaining of grievances and abuses which exist in this Province, and indicating the means of remedying the same, is a censure on the part of the Head of the Executive of this Province, of the proceedings of this House, which had acted as an equal and independent Branch of the Legislature, for divers good causes and considerations to itself known, for the benefit of His Majesty's Subjects in this Province, and of His Government therein.

3. **RESOLVED**—That the said Speech be expunged from the Journals of this House.

YEAS—Messrs. Amiot, Archambeault, Bardy, Barnard, Beaudouin, Bedard, Berthelot, Bertrand, Besserer, Blanchard, Bouc, Bouffard, Bouillier, Bureau, Cardinal, Careau, Caron, Cazeau, Cherrier, Child, Coté, Courteau, De Bleury, Deblois, Dégigny, De Witt, Dionne, J. Dorion, P. A. Dorion, Drolet, Dubord, Girouard, Godbout, Grannis, Hotchkiss, Huot, Kimber, Lacoste, Lafontaine, Larue, Leslie, Marquis, Meilleur, Méthot, Morin, Mousseau, Noel, O'Callaghan, Pickel, Perrault, Proulx, Raymond, Rocbrune, Rochon, Rodier, Roy, Simon, Taché, A. C. Taschereau, P. E. Taschereau, Tessier, Toomy, Trudel, Viger,—64.

NAYS—Messrs. Baker, Blackburn, Bowman, Clapham, Guly, Moore, Power, and Wells,—3.

APPENDIX I.

(14 GEO. III. Chap. 88. 1774.)

AN ACT to establish a Fund towards further defraying the Charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec, in America.

WHEREAS certain duties were imposed by the authority of His Most Christian Majesty, upon Wine, Rum, Brandy, Eau de Vie de Liqueur, imported into the Province of Canada, now called the Province of Quebec, and also a duty of three pounds per centum ad valorem, upon all dry goods imported into, and exported from the said Province, which duties subsisted at the time of the surrender of the said Province to Your Majesty's forces in the late war: And whereas it is expedient that the said duties should cease and be discontinued; and that in lieu and instead thereof, other duties should be raised by the authority of Parliament, for making a more adequate provision for defraying the charge of the Administration of Justice, and the support of the Civil Government in the said Province: We Your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain, in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the fifth day of April, one thousand seven hundred and seventy-five, all the duties which were imposed upon Rum, Brandy, Eau de Vie de Liqueur, within the said Province, and also of three pounds per centum ad valorem, on dried goods imported into, or exported from the said Province, under the authority of His Most Christian Majesty, shall be and are hereby discontinued; and that in lieu and instead thereof, there shall, from and after the said fifth day of April, one thousand seven hundred and seventy-five, be raised, levied, collected and paid, unto His Majesty, his Heirs and Successors, for and upon the respective goods hereinafter mentioned, which shall be imported or brought into any part of the said Province, over and above all other duties now payable in the said Province, by any Act or Acts of Parliament, the several rates and duties following: that is to say,

[Here follows the Table of Duties upon Rum, Brandy, &c.]

APPENDIX J.

LORDS' JOURNALS.

6th SEPTEMBER, 1851.

The order of the day being read for the third reading of the bill entitled, "An Act to amend an Act of the fourteenth year of His Majesty King George the Third, for establishing a Fund towards defraying the charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec, in America.

It was moved that the said bill be now read the third time."

Which being objected to ;

The question was put thereupon ?

It was resolved in the affirmative—

"DISSENTIENT—

"Because the Bill transfers to the Legislative Council and Assemblies of *Upper and Lower Canada*, by any Act to be, by those Legislatures respectively, passed, and assented to by His Majesty, the exclusive appropriation of the duties levied under the authority of the Act of the 14 Geo. 3. chap. 88. hitherto applied, by Warrant of the Lords of the Treasury, towards defraying the expense of the administration of Justice, and the support of the Civil Government in those Provinces respectively, by authority of the same Act.

"The House of Assembly of the Province of *Lower Canada* has, up to this time, omitted to make any permanent provision to defray the expense of those charges, in that Province; and the Judges and others employed in the administration of Justice—and the Governor—and the Officers of the Civil Government, are left to be provided for by annual vote of the Legislative Assembly of the Province.

"These persons will thus become dependent upon the continued favor of the Legislative Assembly for the reward of their labours and service; the administration of Justice within the Province of *Lower Canada* can, no longer, be deemed independent; and His Majesty's Subjects will have Justice administered to them by Judges, and will be governed by Officers, situated as above described.

"WELLINGTON."

Then the said bill was read the third time.

The question was put, "Whether this bill shall pass?"

It was resolved in the affirmative.

APPENDIX K.

(1 & 2 Wm. IV. Chap. 23.)

AN ACT to amend an Act of the Fourteenth year of His Majesty King George the Third, for establishing a Fund towards defraying the charges of the administration of Justice, and support of the Civil Government of the Province of Quebec, in America.

[22nd September, 1831.]

(Preamble recites 14 Geo. III. Chap. 88.)

"And whereas the said Province of Quebec hath, since the enactment of the said Act, been divided into the two Provinces of Upper and Lower Canada: And whereas it is expedient to make further provision for the appropriation of the Duties raised, levied and collected, under the said Act: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for the Legislative Councils and Assemblies of the said Provinces of Upper and Lower Canada, respectively, by any Acts to be by them from time to time passed, and assented to by His Majesty, His Heirs and Successors, or on His or their behalf, to appropriate, in such and to such purposes as to them respectively shall seem meet, all the monies that shall hereafter arise by or be produced from the said Duties, except so much of such monies as shall be necessarily defrayed for the charges of raising, collecting, levying, recovering, answering, paying and accounting for the same."

APPENDIX L.

Extracts from Letter to the Earl Dalhousie, from Mr. W. L. Mackenzie.

(From the Colonial Advocate, published by Mr. Mackenzie, of 10th May, 1827.)

"TO THE RIGHT HONORABLE

"THE EARL OF DALHOUSIE.

"MY LORD,

"For it is generous in your Lordship not willingly to prostrate the whole of the servants of his Majesty at the feet of the Commons, at the mercy of their annual vote, contrary to the usage of England, where the

Civil List is voted for the life of the King, while the Canadian Supplies, if allowed to pass in the way in which it is said they desire, would place the Royal authority and influence in Lower Canada entirely at the mercy of a majority in the Assembly, for the time being, and so oblige the Officers of Government to court popular favor for daily bread; would place the Judges of the land in that slavish state of dependence on the populace which produced so much real evil in Massachusetts, and which in the rich State of New York has made cheap justice a byeword, and the miserable pittance allowed the Administrators of the Laws a reproach.

"So far your Lordships' administration is just and reasonable."

"So far back as in Governor Burnett's time (son to the excellent historian of his own times,) there were financial difficulties in Massachusetts. They would not allow the Governor any fixed salary, only what they pleased yearly; and when he tried to indemnify himself by imposing a duty on vessels leaving the harbour, he was complained of to the King: the controversy lasted till his death, when, as Sir Walter Scott informs us, the Assembly relented in their resentment, and erected a monument to his memory."

"And so would the Assembly of Lower Canada to your Lordship, were your Lordship, unfortunately for the country, called hence. But while the Constitution remains as it is, no end to financial controversy will ever be found—it is impossible. For if your Lordship were to concede the Crown duties, some other topic fruitful in discord would supply their place—perhaps the Post Office revenue—perhaps a thousand other matters to which importance enough would be given to cause dissension.—Your Lordship may yet see the day when the New England States and the great State of New York, will recede from their union with the South and the West, and being joined with these Colonies form an integral portion of the country of their fathers, Great Britain and Ireland."

"Those who choose to doubt the possibility of a cordial re-union between Britain and her New England Colonies, on the ground that the latter are wedded to republicanism will be pleased to look back into the volume of English History, and they will find that Britain was nearly as long a Republic, under the protectorate of Cromwell, as New England has been a Democracy under the United States, and that the people got so tired of Republicanism that they have preferred a limited Monarchy ever since."

"With an Aristocracy of more imperishable materials than at present exists—with a Ruler less responsible, less liable to be changed at the caprice of the opposition for the time being—and with a House of Representatives less trammelled by countervailing State laws, the United States might prosper. But it is with me one of the strongest arguments which can be adduced against the abolition of the British primogeniture laws, that in those Republics where they have been abolished, and where more equalizing laws of inheritance obtain, a less independent and less valuable class of persons usurp the places of the country gentleman of education, manly principle, and honorable family."

"When I established this newspaper in May 1824, I sent the first number to your Lordship. In my earliest address to the public I avowed the principles by which I was actuated as a British born Subject, and although I say it, and say it with regret, that I have been too often led into useless arguments upon the local and personal disputes of individuals upon the measures of the Provincial Government, and even upon still more trivial subjects, when I should have devoted my Journal (as originally intended) to a consideration of the wealth, power and resources of my country, I can nevertheless truly declare that I have ever desired the glory and prosperity of Britain. In 1824 I stated that I preferred British to American liberty—that I thought a limited Monarchy compatible with freedom—that I disliked to hear us gibed in Congress as the distant dependencies of a distant Monarchy—that I would never wish to see these Colonies united to the States—that I trusted to see British America thrive and prosper full as well as these States—and that I hoped the time would arrive when Canada would be pointed out as a model for other Governments—I also avowed having sworn voluntary allegiance to my King and Country."

"In these principles and these opinions I remain to this day unchanged, and I trust I ever shall."

"That your Lordships' administration may be a means in the hand of Providence of uniting these Countries to Britain by an indissoluble tie, is the sincere and heart-felt wish of

"My Lord,

Your Lordships'

Most Obed't. Humble Serv't.

W. L. MACKENZIE."

"York, April 23rd, 1827."

APPENDIX M.

Address to the King, on the subject of the Union of the Provinces.

TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS GOVERNOR:

We, Your Majesty's most dutiful and loyal Subjects, the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to address Your Majesty, expressing the great concern which we feel at the present embarrassed state of the local Government in Your Majesty's Colony of Lower Canada. Though deeply sympathising with that portion of Your Majesty's Subjects whose tranquillity has been disturbed by the long pending difficulties in that Province; and though fully sensible how fatally our own interests and security are liable to be affected by their possible result, we have hitherto forbore to intrude upon Your Majesty with any expression of our opinions upon the posture of public affairs in that Colony.

That we have not now presumed to address Your Majesty in order to remark upon the policy which has been pursued in the Government of that Colony, which interposes between us and the United Kingdom, but for the purpose which more directly concerns this Province, of stating to Your Majesty our apprehension, that a mistaken view of the condition and interests of the people of Upper and Lower Canada may prompt some persons, inconsiderately, to press upon Your Majesty's Government the measure of uniting these Provinces, as a remedy for existing evils.

We have for some time passed observed, that suggestions of such a nature have been publicly offered both in England and Lower Canada, and we are not surprised that our fellow Subjects of that Province, who are suffering under the present difficulties, should be willing to risk the consequences of such an experiment. They may easily persuade themselves, that their situation can scarcely be rendered more embarrassing by the failure of any expedient, and they are not to be blamed, if in the hope of obtaining some relief by the change, they forbear to look carefully into the probable consequences of an union, to the welfare and tranquillity of this particular portion of Your Majesty's Dominions.

We earnestly trust, nevertheless, that Your Majesty will graciously condescend to consider, that the political condition of four hundred thousand of Your Majesty's Subjects cannot be otherwise than most materially affected by so important a change in their Government. We are of opinion, that such a change would expose us to the danger of consequences certainly inconvenient, and possibly most ruinous to the peace and welfare of this Country, and destructive of its connection with the Parent State.

This Province we believe to be quite as large as can be effectually and conveniently ruled by one Executive Government. United with Lower Canada, it would form a territory of which the settled parts from east to west would cover an extent of eleven hundred miles, which for nearly half the year, can only be traversed by land. The opposite territory of the United States, along the same extent of frontier, being divided into six States, having each an independent Government.

The population which Upper Canada contains is almost without exception of British descent. They speak the same language, and have the same laws, and it is their pride that these laws are derived from their Mother Country, and are unmixed with rules and customs of foreign origin. Wholly and happily free from those causes of difficulty which are found so embarrassing in the adjoining Province, we cannot but most earnestly hope, that we shall be suffered to continue so, and that Your Majesty's paternal regard for your numerous and loyal Subjects in this Colony will not suffer a doubtful experiment to be hazarded, which may be attended with consequences most detrimental to their peace, and injurious to the best interests of themselves and their posterity.

(Signed) JOHN B. ROBINSON, *Speaker, L. C.*

(Signed) ARCHIBALD McLEAN, *Speaker, H. A.*

Third day of March, 1837.

APPENDIX N.

Reply on the subject of the Joint Address deprecating an Union of the two Provinces.

DOWNING STREET,
21st April, 1837.

No. 170.

Sir,

I have the honor to acknowledge your Despatch (No. 26) of the 4th ultimo, in which you transmit to me an Address to His Majesty, from the Legislative Council and House of Assembly of Upper Canada, deprecating an Union between the two Provinces of Upper and Lower Canada.

I beg leave to acquaint you, that having laid this Address before the King, His Majesty has been pleased to receive the same very graciously, and to command me to observe, that the project of an Union between the two Provinces, has not been contemplated by His Majesty as fit to be recommended for the sanction of Parliament.

I have, &c.

SIR F. HEAD, &c. &c. &c.

(Signed)

GLENELG.

R

APPENDIX O.

Mr. Hume's Letter to Mr. Mackenzie,

(Published by Mr. Mackenzie, in his "Colonial Advocate" of 29th May, 1834.)

*Bryanston Square,
29th March, 1834.*

MY DEAR SIR,

I lately received files of the "Vindicator" and "Reformer" Journals, and am pleased to observe that the Electors of the County of York continue firm and consistent in their support to you, and that you manifest the same determined spirit of opposition to abuse and misrule.

The Government and the majority of the Assembly appear to have lost that little portion of common sense and the prudence which society in general now possess, and they sacrifice the greatest of public principles in gratifying a paltry and mean revenge against you.

Your triumphant election on the 16th, and ejection from the Assembly on the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the Mother Country, and the tyrannical conduct of a small and despicable faction in the Colony.

I regret to think that the proceedings of Mr. Stanley, which manifest as little knowledge of mankind as they prove his ignorance of the spirit and liberal feelings of the present generation, encourage your enemies to persevere in the course they have taken. But I confidently trust that the high minded people of Canada will not, in these days, be overawed, or cheated of their rights and liberties by such men. *Your* cause is *their* cause—*your* defeat would be *their* subjugation. Go on, therefore, I beseech you, and success, glorious success, must inevitably crown your joint efforts.

Mr. Stanley must be taught that the follies and wickedness of Mr. Pitt's Government, in the commencement of the French Revolution, cannot be repeated now either at home or abroad, without results very different from what then took place. The proceedings between 1772 and 1782 in America ought not to be forgotten; and to the honor of the Americans, and for the interest of the civilized world, let their conduct and the result be ever in view.

I have lately seen, with mingled feelings of pity and contempt, the attack made by Mr. Ryerson, against my public and private conduct, and also against those who generally act with me. I candidly acknowledge, that of all the renegades and apostates from public principle and private

honor, which during a long course of public life I have known, (and with regret I say I have known many) I never knew a more worthless hypocrite or so base a man as Mr. Ryerson has proved himself to be.

I feel *pity* for him, for the sake of our common nature, to think that such human depravity should exist in an enlightened society, and I fear that the pangs of a guilty and self-condemning conscience must make his venal and corrupt breast a second Hell, and, ere long, render his existence truly miserable.

I feel utter *contempt* for any statement that Mr. Ryerson can make of my private or public conduct, although he has had every opportunity of private intimacy and of public observation to know the truth.

It is humiliating to the character of man, aye and particularly of a pretended religious man, when I recollect with what earnestness he sought and obtained my sincere and zealous assistance to forward the cause of the civil and religious liberty which he then advocated. You witnessed his expression of thanks and of gratitude to me, in public and in private, verbally and in writing, for the aid I had given him. You who heard his objections to any religious sect receiving any pecuniary assistance from the State, as subversive of religion and of moral independence, must view with detestation the course which Mr. Ryerson has taken. When you recollect that I invariably treated him with kindness and attention, as the representative of a good cause, and of a distant people—that my time, amidst public business of importance, was always given with pleasure to attend to him and the object of his mission, you will agree with me, that the black and heartless ingratitude of such a man deserves to be received with pity and with ineffable contempt. When, moreover, it is known to you that there is not one word of truth in Mr. Ryerson's satanic effusions, I leave his pious and religious friends in Canada to unmask the hypocrite and throw him, as he deserves to be, an outcast from every honest society.

In the hope that I shall never again meet with so abandoned a character as Mr. Ryerson has proved himself to be, and trusting that the people of Canada, in vindication of truth and of honor, will treat him as he deserves,

I remain,

Yours' sincerely,

JOSEPH HUME.

P. S.—The people in Lower Canada are taking the means of forcing their affairs on the Government, and will I hope succeed.

J. H.

To W. L. MACKENZIE, Esq. M.P.

York, Upper Canada.

APPENDIX P.

From the "Constitution" of 29th November, 1837.

(Published by Mr. Mackenzie.)

THE CONSTITUTION.

"It is impossible to suppose the Canadians dread your power. It is not easy to believe that the abstract duty of loyalty, as distinguished from the sentiment of loyalty, can be very strongly felt. The right of rejecting European dominion has been so often asserted in North and South America, that revolt can scarcely be esteemed in those Continents as criminal or disgraceful. Neither does it seem to me that a sense of national pride and importance is in your favor. It cannot be regarded as an enviable distinction to remain the only dependent portion of the new world. Your dominion rests upon the habit of subjection; upon the ancient affection felt by the Colonists for their Mother Country; upon their confidence in your justice, and upon the persuasion that they have a direct interest in maintaining the connection."—*Evidence given by James Stephen, jun. Assistant Secretary of State for the Colonies, before the House of Commons Committee on the Government of Canada, 1828.*

"We never were placed in so critical a situation—there never was a moment in which it was so necessary to be vigilant, but temperate.—Temperate, because there is so much to cheer; vigilant, because there is reason to apprehend delusion and contrivance. I speak as delicately as I can; but this one truth should never be forgotten—that Ireland never yet confided but she was betrayed."—*O'Connell's Letter to Edward Dwyer, Esq., 8th February, 1829.*

Toronto, Wednesday, Nov. 29, 1837.

PROVINCIAL CONVENTION.

The Convention appointed to meet this winter for the purpose of taking into consideration the state of the Country, will hold its first sitting in Toronto City, at ten o'clock in the forenoon of Thursday the 21st of December next.

W. L. MACKENZIE,

Corresponding Sec'y. Central Union.

The news from Montreal we derive chiefly from the Tory papers—but although they conceal many facts, and although their accounts, like Napoleon's bulletins, are colored "for effect elsewhere," we feel it to be

our duty to lay them before our readers, with this addition, that there is every probability that ere now Montreal is either in the hands of the Canadians, and Sir John and his men driven towards the four winds of heaven, **OR IT IS IN ASHES.** We have before said, and we here repeat the opinion, that neither 1,000 men—no, nor 10,000 men, would be able to stand a month against the Canadian people, united and determined to be free. They have waited sixty years longer than the rest of America for British justice, and have met with injury and insult. They have the solemn pledge of the British King and the Parliament of Britain, made in an hour of danger and humiliation, that never again would that King and that Parliament take their money without their consent. Have not the Crown and its Ministers shewn, by their late attempt and resolutions to rob them of their money, that British honor and British justice are miserable bywords when applied to the Colonies in America? As Ireland was coerced for 1,000 years so would they now coerce, first Lower Canada, and us next. But, thank God for inspiring the Canadians with valour in an honest and heavenly cause—they know the value of **FREEDOM**, and they will make that greatest of blessings theirs. Will England war with them? Vote money to deluge their land with blood? Tax her people to oppress her remaining possessions in America? No, indeed, there is no fear of that. The men who send the Members to Parliament now are the tax payers who would directly have to bear the fifty million burthen of an unsuccessful crusade against liberty—the men who own the ships engaged in the Canadian and West India trade—and the men who employ the labourers and mechanics engaged in the manufacture of hardware, dry goods, iron, stationery, and a thousand other things for the meridians of Quebec and Toronto. These men see the revenue of England falling off, eight millions of dollars in one quarter this year, as compared with the same quarter in the last, they see their commerce dwindling into doubt and uncertainty, by the agitation and coercion of the present and past years—the prospect of war in Canada might be extended to a war all over this northern Continent—and the addition of fifty millions to the national debt would add to burthens already almost unbearable, while a protracted contest would make permanent enemies of those who might soon be otherwise made friends. England will never send a Soldier to America for the purpose of conquest.

The reader should recollect that we are not situated like the old Colonies. They had 800,000 merciless savages, furnished by British gold and British cruelty, with tomahawks to scalp our countrymen, on their frontier, on the one side; and they had 1,400 miles of exposed frontier on

the sea-board, to any part of which British ships and soldiers could easily approach, and kill, wound, burn and destroy. But there is no approaching us with hostile forces. Only three quarters of a mile are open on the St. Lawrence, below Quebec, the strength of which is greatly overrated; on the north we have eternal frosts, and rocks, and forests; and on the west and south we have the free Republics. The Indians, few in number, are our firm friends; and, with the exception of a miserable minority of trembling Officials, we have no enemies of freedom in the Canadas.

We do not mean to deny that there are Tories. But will they dare to lift a musket against their country? Will they touch Head's guns and pikes and swords and spears, imported to shed the blood of their friends and neighbours? No, not they. They are proprietors. They have read the lessons of history. They well know that reformers seek no man's wealth—no man's substance—no man's fair fields. But they also know that if found in the act of fighting against the people, to uphold despotism, they would lose their lands, be banished the country as traitors, and their wealth used to defray the expense of the unnatural and cruel contest their covetousness had given rise to. Some say the Orangemen will assist in involving Canada in civil war, and will stand by Head in coercing the rest of the people. The Orangemen, as compared to the whole people, are but a handful, and many of them own land, which it would be inconvenient with them to part with, by fighting against the cause for which their forefathers spilt their blood—"British Freedom"—the boon we all seek. Besides, the Queen and her Ministers treat them with contempt, disgrace their leaders, and turn them and their principles into ridicule, because they are weak in Ireland. The Catholics it is unnecessary to say any thing of. When was an Irish Catholic found in the ranks of tyranny?

ADDITIONAL DOCUMENTS,

Not particularly referred to in the Report, but appended by the Committee, as affording information on the subjects treated of.

The following was circulated in a hand-bill by Mr. McKenzie, among his followers, immediately before the outbreak of Rebellion in Upper Canada.

INDEPENDENCE!

There have been Nineteen Strikes for Independence from European Tyranny, on the Continent of America. They were all successful! The Tories, therefore, by helping us will help themselves.

The nations are fallen, and thou still art young,
Thy sun is but rising when others have set;
And the Slavery's cloud o'er thy morning hath hung,
The full tide of Freedom shall beam round thee yet.

BRAVE CANADIANS! God has put into the bold and honest hearts of our brethren in Lower Canada to revolt—not against “lawful” but against “unlawful authority.” The law says we shall not be taxed without our consent by the voices of the men of our choice, but a wicked and tyrannical government has trampled upon that law—robbed the exchequer—divided the plunder—and declared that, regardless of justice they will continue to roll their splendid carriages, and riot in their palaces, at our expense—that we are poor spiritless ignorant peasants, who were born to toil for our betters. But the peasants are beginning to open their eyes and to feel their strength—too long have they been hoodwinked by Baal's priests—by hired and tampered with preachers, wolves in sheep's clothing, who take the wages of sin, and do the work of iniquity, “each one looking to his gain in his quarter.”

CANADIANS! Do you love freedom? I know you do. Do you hate oppression? Who dare deny it? Do you wish perpetual peace, and a government founded upon the eternal heaven-born principle of the Lord

Jesus Christ—a government bound to enforce the law to do to each other as you would be done by? Then buckle on your armour, and put down the villains who oppress and enslave our country—put them down in the name of that God who goes forth with the armies of his people, and whose bible shows us that it is by the same human means whereby you put to death thieves and murderers, and imprison and banish wicked individuals, that you must put down, in the strength of the Almighty, those governments which, like these bad individuals, trample on the law, and destroy its usefulness. You give a bounty for wolves' scalps. Why? because wolves harrass you. The bounty you must pay for freedom (blessed word) is to give the strength of your arms to put down tyranny at Toronto. One short hour will deliver our country from the oppressor; and freedom in religion, peace and tranquillity, equal laws and an improved country will be the prize. We contend, that in all laws made, or to be made, every person shall be bound alike—neither should any tenure, estate, charter, degree, birth or place, confer any exemption from the ordinary course of legal proceedings and responsibilities whereunto others are subjected.

CANADIANS! God has shown that he is with our brethren, for he has given them the encouragement of success. Captains, Colonels, Volunteers, Artillerymen, Privates, the base, the vile hirelings of our unlawful oppressors, have already bit the dust in hundreds in Lower Canada; and altho' the Roman Catholic and Episcopal Bishops and Archdeacons, are bribed by large sums of money to instruct their flocks that they should be obedient to a government which defies the law, and is therefore unlawful, and ought to be put down, yet God has opened the eyes of the people to the wickedness of these reverend sinners, so that they hold them in derision, just as God's prophet Elijah did the priests of Baal of old and their sacrifices. Is there any one afraid to go to fight for freedom, let him remember, that

God sees with equal eye, as Lord of all,

A Hero perish, or a Sparrow fall:

That the power that protected ourselves and our forefathers in the deserts of Canada—that preserved from the Cholera those whom He would—that brought us safely to this continent through the dangers of the Atlantic waves—aye, and who has watched over us from infancy to manhood, will be in the midst of us in the day of our struggle for our liberties, and for Governors of our free choice, who would not dare to trample on the laws they had sworn to maintain. In the present struggle, we may be sure, that if we do not rise and put down Head and his lawless myrmidons, they will gather all the rogues and villains in the Country

together—arm them—and then deliver our farms, our families, and our country to their brutality—to that it has come, we must put them down, or they will utterly destroy this country. If we move now, as one man, to crush the tyrant's power, to establish free institutions founded on God's law, we will prosper, for He who commands the winds and waves will be with us—but if we are cowardly and mean-spirited, a woeful and a dark day is surely before us.

CANADIANS! The struggle will be of short duration in Lower Canada, for the people are united as one man. Out of Montreal and Quebec, they are as 100 to 1—here we reformers are as 10 to 1—and if we rise with one consent to overthrow despotism, we will make quick work of it.

Mark all those who join our enemies—act as spies for them—fight for them—or aid them—these men's properties shall pay the expense of the struggle—they are traitors to Canadian Freedom, and as such we will deal with them.

CANADIANS! It is the design of the Friends of Liberty to give several hundred acres to every Volunteer—to root up the unlawful Canada Company, and give **FREE DEEDS** to all settlers who live on their lands—to give free gifts of the Clergy Reserve lots, to good citizens who have settled on them—and the like to settlers on Church of England Glebe Lots, so that the yeomanry may feel independent, and be able to improve the country, instead of sending the fruit of their labour to foreign lands. The 57 Rectories will be at once given to the people, and all public lands used for Education, Internal Improvements, and the public good. £100,000 drawn from us in payment of the salaries of bad men in office, will be reduced to one quarter, or much less, and the remainder will go to improve bad roads and to “make crooked paths straight;” law will be ten times more cheap and easy—the bickerings of priests will cease with the funds that keeps them up—and men of wealth and property from other lands will soon raise our farms to four times their present value. We have given Head and his employers a trial of 45 years—five years longer than the Israelites were detained in the wilderness. The promised land is now before us—up then and take it—but set not the torch to one house in Toronto, unless we are fired at from the houses, in which case self-preservation will teach us to put down those who would murder us when up in the defence of the laws. There are some rich men now, as there were in Christ's time, who would go with us in prosperity, but who will skulk in the rear, because of their large possessions—mark them! They are those who in after years will seek to corrupt our people, and change free institutions into an aristocracy of wealth, to grind the poor, and make laws to fetter their energies.

MARK MY WORDS CANADIANS!

The struggle is begun—it might end in freedom—but timidity, cowardice, or tampering on our part, will only delay its close. We cannot be reconciled to Britain—we have humbled ourselves to the Pharoah of England, to the Ministers, and great people, and they will neither rule us justly nor let us go—we are determined never to rest until independence is ours—the prize is a splendid one. A country larger than France or England, natural resources equal to our most boundless wishes; a government of equal laws—religion pure and undefiled—perpetual peace—education to all—millions of acres of lands for revenue—freedom from British tribute—free trade with all the world—but stop—I never could enumerate all the blessings attendant on independence!

Up then, brave Canadians! Get ready your rifles, and make short work of it; a connection with England would involve us in all her wars, undertaken for her own advantage, never for ours; with governors from England, we will have bribery at elections, corruption, villainy and perpetual discord in every township, but Independence would give us the means of enjoying many blessings. Our enemies in Toronto are in terror and dismay—they know their wickedness and dread our vengeance. Fourteen armed men were sent out at the dead hour of night, by the traitor Gurnett, to drag to a felon's cell, the sons of our worthy and noble minded brother departed, Joseph Sheppard, on a simple and frivolous charge of trespass, brought by a tory fool; and though it ended in smoke, it shewed too evidently Head's feelings. Is there to be an end of these things? Aye, and now's the day and the hour! Woe be to those who oppose us, for "In God is our trust."

GOVERNMENT HOUSE,
9th December, 1837.

F. B. HEAD.

MILITIA GENERAL ORDER.

His Excellency the Lieutenant Governor apprehends, from recent accounts, that it may be necessary for the Militia of this Province to unite their efforts to those of their brave and loyal fellow-subjects of Lower Canada, in order to put down Rebellion, and to maintain the integrity of the Glorious Empire of Great Britain.

His Excellency therefore directs, that upon the requisition of the Commander of Her Majesty's Forces in Lower Canada, the

Colonel or Officer commanding any Regiment of Militia in the Bathurst, Johnstown, Ottawa or Eastern Districts respectively, shall take all the measures in his power, agreeably to the Militia Laws of the Province, for furnishing whatever number of men may be required for Military Service, in aid of the Queen's Forces or the Militia of Lower Canada, in either Province.

His Excellency relies upon the zeal, loyalty and bravery, of the Militia of Upper Canada, for rendering effectual service to their Sovereign, and maintaining that character which His Excellency is aware has distinguished them wherever they have been called into the field.

His Excellency is further pleased to authorise the forming of any Independent Volunteer Companies, for the above service.

PETITION

Addressed to Colonel MacNab, by Rebels in the London District.

To Allan Napier MacNab, Esquire, Colonel Commanding the Queen's Forces in the London District, &c. &c. &c.

The humble Petition of certain inhabitants of the Township of Norwich, lately in arms against the Government of this Province—

SHewETH:—That we, your petitioners, being truly sensible of the great error and wickedness which we have lately committed, in taking up arms against Her Majesty's Government—a Government on whose part we do not pretend to say that we have any real wrongs or grievances to complain of,—but we have been led away by Charles Duncombe, Eliakim Malcolm, and other wicked and designing leaders, who have induced us by promise of large grants of land and great pay for our services, to take up arms against Her Majesty's Government, and who have now basely deserted us, and left us to answer with our lives and properties for those crimes which they have themselves committed—do therefore most humbly beseech you, Sir, to take our case into your kind consideration, and to intercede with His Excellency the Lieutenant Governor of this Province, to grant us a pardon for our offences.

We acknowledge ourselves to be completely subdued, and we throw ourselves entirely upon your mercy; and we hereby promise, one and all, if such mercy be extended to us, that we will from henceforth live as peaceable and loyal subjects to the Government of Her Majesty Queen Victoria—and that we will not only bring in our arms, but also use our utmost endeavours to apprehend the ringleaders of the late insurrection, and bring them to justice.

We are thus induced to address you, Sir, not only from the exalted position which you hold as the first Commoner in the land, and Commander of the Queen's Forces in this part of the Province, but also from our knowledge of your kind and benevolent disposition, of which we have had ample proof in the protection of the lives and properties of the inhabitants, since your arrival amongst us, and which we trust you will exert in our behalf, to relieve us from our present unfortunate situation: And we, your petitioners, as in duty bound, will ever pray, &c.

Signed by one hundred and three petitioners.

PROCLAMATION.

Three hundred Acres of the most valuable Lands in Canada, will be given to each Volunteer who may join the Patriot Forces now encamped on Navy Island, U. C. Also, \$100 in silver, payable on or before the 1st of May next.

By order of the Committee of the Provincial Government.

W. L. MACKENZIE,

Chairman Pro. Tem.

Navy Island, Tuesday, Dec. 19, 1837.

SPECIAL MESSAGE,

From the Honorable W. L. Marcy, Governor of the State of New York, on the subject of the capture of the Piratical Steam Boat "Caroline."

TO THE LEGISLATURE:

I received last evening, after my annual message was prepared, information of an occurrence, which I hasten to communicate to you.

The territory of this State has been invaded, and some of our citizens murdered, by an armed force from the Province of Upper Canada.

By the documents accompanying this communication it will be perceived, that the steam-boat *Caroline*, owned by one of our citizens, while lying at Schlosser, on the Niagara river, within the limits of the State, on the night of the 29th December last, was forcibly seized by a party of seventy or eighty armed men in boats, which came from and returned to the Canadian shore. The crew and other persons in this steam-boat, amounting to thirty-three, were suddenly attacked at midnight, after they had retired to repose, and probably more than one-third of them wantonly massacred.—The boat was detached from the wharf to which it had been secured—set on fire—taken into the middle of the river, and by the force of its current carried over the Niagara Falls.

Twelve of the persons who were on board of it are missing, and there is ground to fear they were killed by the invaders in their attack upon it, or perished in its descent over the cataract. Of those who escaped from the boat one was killed on the wharf, and several others were wounded.

I am warranted in assuring you, that the authorities not only of this State, but of the United States, have felt an anxious solicitude to maintain the relations of peace and strict neutrality with the British Provinces of Upper and Lower Canada, at all times since the commencement of the civil disturbances therein; and have in all respects done what was incumbent upon them to do, to sustain these relations. The occurrence to which I have alluded is an outrage that has not been provoked by any act done or duty neglected, by the Government of this State or of the Union. If it should appear that this boat was intended to be used for the purpose of keeping up an intercourse between this State and Navy Island, which is now held by an assemblage of persons in defiance of the Canadian Government, this circumstance would furnish no justification for the hostile invasion of our territory, and the destruction of the lives of our citizens. The General Government is entrusted with the maintenance of our foreign relations, and will undoubtedly take the necessary steps to redress the wrong, and sustain the honor of the country.

Though I have received no official information of the fact, I have good reason to believe that the local authorities of this State have taken prompt and efficient means, not only to protect our soil from further invasion, but to repress any retaliative measures of aggression which our citizens, under the impulse of deeply excited and indignant feelings, might rashly resolve to adopt.

The patriotic Militia in the vicinity of the scene of the outrage, have obeyed with alacrity the call which has been made upon them for these purposes.

It will, probably, be necessary for this State to keep up a military force for the protection of our citizens, and the maintenance of peace, until an opportunity is given to the General Government to interfere with its power. In that event, I apprehend that it will be necessary for you to provide by law, for the payment and maintenance of such forces as the occasion may require.

I shall doubtless, within a short time, receive official information of what the local authorities have done, and shall be better enabled to form an opinion of what will be necessary on the part of the State, to preserve our rights and the public tranquillity. I shall then communicate further with you on the subject, and suggest such matters in relation to it as may require your consideration.

(Signed) W. L. MARCY.

Albany, January 2nd, 1838.

MESSAGE

Of the President of the United States, on the subject of the Capture of the Piratical Steam-Boat "Caroline."

HOUSE OF REPRESENTATIVES.

Monday, January 8.

The following message in writing was received from the President of the United States:

To the Senate and

House of Representatives, United States:

In the highly excited state of feeling on the northern frontier, occasioned by the disturbances in Canada, it was to be apprehended

that causes of complaint might arise on the line dividing the United States from Her Britannic Majesty's dominions. Every precaution was therefore taken on our part authorized by the existing laws, and as the troops of the Provinces were embodied on the Canadian side, it is to be hoped that no serious violation of the rights of the United States would be permitted to occur. I regret, however, to inform you, that an outrage of a most aggravated character has been committed, accompanied by a hostile though temporary invasion of our territory, producing the strongest feelings of resentment on the part of our citizens in the neighbourhood, and in the whole border line, and that the excitement previously existing had been alarmingly increased. To guard against the possible recurrence of any similar act, I have thought it indispensable to call out a portion of the militia to be posted on that frontier. The documents herewith presented to Congress, will show the character of the outrage committed, the measures taken in consequence of its occurrence, and the necessity of resorting to them.

It will also be seen that the subject was immediately brought to the notice of the British Minister accredited to this country, and the proper steps taken on our part to obtain the fullest information of all the circumstances leading to and attendant upon the transaction, preparatory to a demand for reparation. I ask such appropriations as the circumstances in which our country is thus unexpectedly placed require.

M. VAN BUREN.

Washington, Jan. 8, 1838.

LETTER,

From Mr. Forsyth to Mr. Fox, relating to the capture of the Piratical Steam-boat "Caroline."

DEPARTMENT OF STATE,
Washington, January 5, 1838.

SIR,

By the direction of the President of the United States, I have the honor to communicate to you a copy of the evidence furnished to this Department, of an extraordinary outrage committed from

Her Britannic Majesty's Province of Upper Canada, on the persons and property of citizens of the United States, within the jurisdiction of the State of New-York. The destruction of the property, and assassination of citizens of the United States on the soil of New-York, at the moment when, as is well known to you, the President was anxiously endeavouring to allay the excitement, and earnestly seeking to prevent any unfortunate occurrence on the frontier of Canada, has produced upon his mind the most painful emotions of surprise and regret. It will necessarily form the subject of a demand for redress upon Her Majesty's Government. This communication is made to you under the expectation that through your instrumentality, an early explanation may be obtained from the authorities of Upper Canada, of all the circumstances of the transaction; and that, by your advice to those authorities, such decisive precautions may be used as will render the perpetration of similar acts hereafter impossible.

Not doubting the disposition of the Government of Upper Canada to do its duty in punishing the aggressors, and preventing future outrage, the President, notwithstanding, has deemed it necessary to order a sufficient force upon the frontier, to repel any attempt of a like character, and to make known to you that if it should occur, he cannot be answerable for the effects of the indignation of the neighbouring people of the United States.

I take this occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

To Henry S. Fox, Esq. &c.

SPEECH

Of Mr. Rhett, Senator, South Carolina, in the United States Senate, on the subject of the capture of the "Caroline."

Mr. Rhett deprecated any premature expression of opinion on the subject. He thought the House should, in the first place, look at the matter calmly, and ascertain who was to blame. One gentleman has said it was the fault of the Administration, another gentle-

man had laid it all on Great Britain, while others had taken a different view. Under these circumstances, he considered it highly important that it should be carefully investigated, and ascertained where the blame really lay. Was it with the Administration?—Candor, certainly, would declare not, whilst not a regular soldier was available at his command; and the civil officers on the frontier, who had been called upon to repress the excitement, appear by their conduct to have been the instruments of increasing and continuing it. How, sir, asked Mr. R. had the difficulty commenced? Was it not caused by a fugitive from Canada, a traitor according to the laws of his country, for whose head a price had been offered, coming over the lines into the United States, and in open day, in the streets of Buffalo, by his inflammatory speeches, inducing the citizens of the United States to take up arms, and assist in a rebellion of the subjects of a friendly power, who was rightfully endeavouring to maintain her institutions?

This fugitive had not only been harbored and entertained by us, but recruits from amongst our citizens were openly mustered to his standard. Now have we forgotten the laws of nations, as we applied them when General Jackson seized upon Pensacola, because her authorities harbored our Indian enemy, and furnished them with munitions of war? He then ably demonstrated, by the gentleman from Massachusetts, then Secretary of State, that for such a cause we had a right to take possession by the sword of the city of a friendly nation;—and have the citizens of Buffalo done less than the Governor of Pensacola? He commented at some length on the law of nations, as far as related to the pursuit of enemies over neutral ground, and the practice of our own Government in such cases. He said it would be well for gentlemen to reverse the matter, and to suppose ourselves in the situation of the Canadas. Suppose the Subjects of Great Britain should gather together upon our frontiers, in combination with some discontented factious citizens, with the avowed purpose of overturning our republican institutions, how would we bear it?—and how would we tolerate the idea that munitions of war, provisions and fire-arms, should be furnished these our enemies by British Subjects. Unquestionably we would con-

sider ourselves as grossly wronged, and would be very slow in recognising any spirit of friendship as dictating such means.

We would not look to individuals—we would properly look to the Government, whose duty it was to control its citizens. Inefficiency was no plea, for then we ought to cease our existence amongst the family of nations. As to the steam-boat affair, before he made up his opinion as to any outrage committed by the British soldiery, he must know all the facts. Should it turn out that this steam-boat was actually in the possession of the hostile islanders, used for carrying articles contraband of war, he was not sure that the act was not perfectly justifiable according to the laws of nations. At all events, it was a gallant enterprise, and such as, he doubted not, every bold man on this floor would have deemed himself morally justifiable in undertaking. But we were ignorant of all the facts. So far, however, as they were known, the citizens of the United States were aggressors throughout. As they would get all the glory, they should also take all the responsibility, in defiance of the laws of their country, of assailing a friendly nation.

Mr. R. was not going into a war upon such indefensible causes. One war, with a debt of 180 millions, was enough for one generation. War was dangerous to the liberty of any people, but especially so under our free institutions, whose very existence was based upon a jealousy of power accumulated in the hands of Government. In this affair we had, so far, nothing to be proud of. We had been the first aggressors, and should act the part of an honorable aggressor, knowing that we were wrong. Mr. R. concluded by urging on the House to pursue an honest policy, and to exhibit an upright, honorable bearing on the subject, worthy of a free and enlightened nation.

MESSAGE

Of His Excellency SIR F. B. HEAD, to the Legislative Council and House of Assembly, acquainting them of his Resignation of the Government, with their Addresses in answer thereto.

F. B. HEAD,

The Lieutenant Governor informs the Legislative Council, that in consequence of this Province being invaded and assailed by

a foreign enemy, and being the scene of actual military operations, Colonel Foster, the Officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary General at Quebec has communicated to the Officer in charge of the Commissariat here, that consistently with the rules of the Service, no expenses can be allowed unless sanctioned by the authority of the Military Commander, upon whom the protection of the Province has thus necessarily devolved.

The Lieutenant Governor takes this opportunity to communicate to the Legislative Council, that having had the misfortune to differ from Her Majesty's Government, on one or two points of Colonial policy, he felt it his duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies, the resignation of the important station which for a short time he has had the honor to hold in this Province.

His resignation having been graciously accepted, the Lieutenant Governor has to inform the Legislative Council, that he yesterday received official information that Her Majesty has been pleased to appoint Colonel Sir George Arthur, to be Lieutenant Governor of Upper Canada, and that His Excellency may be expected to arrive here in a few days.

Under the peculiar circumstances in which the Province is at present placed, the Lieutenant Governor feels confident, that the Legislative Council will rejoice with him at the approaching arrival of an Officer of high character and considerable experience, whose rank in the army will enable him to combine the military command with the Civil Government of this Province.

Government House,
15th January, 1833.

[A similar message to the House of Assembly.]

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*To His Excellency SIR FRANCIS BOND HEAD, Baronet, Knight
Commander of the Royal Hanoverian Guelphic Order, Knight
of the Prussian Military Order of Merit, Lieutenant Governor
of the Province of Upper Canada, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY;

We Her Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg to return our respectful thanks to Your Excellency for communicating to us the fact, which is at this crisis particularly important, that by the regulations of Her Majesty's Service the command of the troops, and of the militia employed in defence of this Province, can not be united in Your Excellency's person with the administration of the Civil Government.

If Your Excellency were to continue to represent Her Majesty in this Colony, we are persuaded, that under present circumstances, such a separation of the civil power from the military command would be likely to lead to very unfortunate results, since military rank and experience, although they are by no means incompatible with the peculiar qualifications which are requisite to give confidence, animation and effect, to the military force, are not always to be found united with them.

We beg to assure Your Excellency that we learn with extreme regret, that the Civil Government of this Province is to continue for so short a time in Your Excellency's charge.—It is not known to us upon what particular points Your Excellency's views have differed so essentially from those of Her Majesty's Government that Your Excellency was induced to tender your resignation; but we know, that at no period in the history of Upper Canada has its political condition been such as ought to be more satisfactory to the Ministers of the Crown: and we feel that not Upper Canada only, but the Empire, owes to Your Excellency a large debt of gratitude, for your firm and manly avowal, upon all occasions, of those sentiments which became the Representative of a British Monarch, and for the unwavering support which Your Excellency has never failed to give to the established principles of the Constitution.

It is this fearless adherence to right principles, rather than to expediency, which has enabled Your Excellency to rally round the

Government, in a moment of danger, the arms of an united people ; and to exhibit this Province to our Sovereign and to the world, in a posture which must command for its brave and loyal inhabitants the highest admiration and respect.

If the result of Your Excellency's firm and uncompromising policy shall impress upon Her Majesty's Government the conviction, that they need not fear to support in Upper Canada the principles of the British Constitution, it will have produced an effect of infinite value to this Colony ; and will have supplied what we believe has been chiefly wanting to insure its permanent tranquillity.

But the Legislative Council cannot refrain from expressing the regret with which they have observed, in the case of Your Excellency, and of your respected and gallant Predecessor, that your connection with the Government of this Colony has seemed incapable of being protracted, with satisfaction to yourselves, beyond the period when it became evident that no submission would be made by you to a spirit of factious discontent, which nothing can appease but the destruction of British rule.

We beg Your Excellency to believe, that the Legislative Council will ever entertain a grateful recollection of the justice and condescension which they have always had occasion to acknowledge in their intercourse with Your Excellency ; and that they participate deeply in the feeling of general regret at Your Excellency's approaching departure from this Province.

JOHN B. ROBINSON,
SPEAKER.

Legislative Council Chamber,
17th day of January, 1838.



*To His Excellency SIR FRANCIS BOND HEAD, Baronet, Knight
Commander of the Royal Hanoverian Guelphic Order, Knight
of the Prussian Military Order of Merit, Lieutenant Governor
of the Province of Upper Canada, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY :

We Her Majesty's dutiful and loyal Subjects the Commons House of Assembly, in Provincial Parliament assembled, humbly thank Your Excellency for Your Excellency's message of the 15th

instant, communicating to this House, that "in consequence of this Province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the Officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops—that he is also in command of the militia, and that the Commissary General at Quebec has communicated to the Officer in charge of the Commissariat here, that consistently with the rules of the Service, no expenses can be allowed unless sanctioned by the authority of the Military Commander, upon whom the protection of the Province has thus necessarily devolved."

In reference to this subject, we can only express our earnest hope that this regulation, which the rules of the Service appear to have rendered necessary, may in no respect impair the efficiency of the operations hitherto planned and directed by Your Excellency, with so much success for the preservation and defence of the Province against the attack of foreign and domestic enemies.

We are further informed by Your Excellency, that having had the misfortune to differ from Her Majesty's Government on one or two points of Colonial policy, Your Excellency felt it your duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies, the resignation of the important station which for a short time Your Excellency has had the honor to hold in this Province, and that Your Excellency's resignation had been graciously accepted.

When this House recalls to recollection the events of Your Excellency's administration of the affairs of this Province—the universal respect and confidence with which you are regarded, arising from Your Excellency's firm and uncompromising adherence to the principles of the Constitution, and which has afforded to the inhabitants of this Colony various opportunities of proving, not by words merely, but by acts the most convincing and undeniable, their firm unshaken loyalty to their Sovereign, and their desire to maintain their connection with the Parent State, in contradiction to assertions and insinuations of a contrary tendency, we cannot but view with alarm the disclosure now made, that Your Excellency has felt yourself called upon to resign the administration of the Government, on the grounds stated in Your Excellency message.

If Your Excellency's measures and policy have not given satisfaction to our Gracious Queen, we are driven to enquire, in the most humble and respectful, but solemn manner, what course of policy it is that is expected by Her Majesty, from Her Majesty's Representative in this Province? Deeply impressed with the duty of submission to the Constitutional exercise of the Royal Prerogative, we do not question the right of the Sovereign to select Her Representatives in this or any other Colony of the Empire—but

we nevertheless feel ourselves impelled by a sense of duty, suggested by a desire to maintain our allegiance, (and which, on our part, can never be laid aside or forgotten,) humbly, but earnestly and emphatically to declare, that if any thing be calculated to shake the attachment of Her Majesty's now truly loyal and devoted Subjects to Her Royal Person and Government, it is by acts of injustice, or the manifestation of ungenerous distrust towards Servants who have served the British Nation so faithfully and nobly as Your Excellency has done. It will be the duty of this House, before the close of the present Session, and when more fully informed of facts, to express more at large the feelings and opinions they entertain on this painfully interesting and important subject.

In the mean time, we beg to assure Your Excellency, that this House, and the people of the Province, will regard Your Excellency's relinquishment of its Government as a calamity of the most serious nature, and which may result in difficulties and dissensions that cannot be easily repaired or reconciled. We however are fully persuaded, that the blame cannot rest with Your Excellency; and while we sincerely and most willingly acknowledge the zeal, ability, justice and honorable disinterestedness, with which you have conducted the Government of this Province, during your short but eventful and arduous administration of its affairs, we beg respectfully and affectionately to express, on behalf of this Province, our earnest hope, that Your Excellency's prosperity in future life may be commensurate with the claims, deep and lasting as they are, upon our gratitude—the approbation of our Gracious Queen—and the applause and acknowledgment of the British Nation.

H. RUTTAN,
SPEAKER.

*Commons House of Assembly,
16th day of January, 1838.*



EXTRACT

From the speech of Mr. Papineau to the Electors of the West Ward of Montreal, in July 1820, when he was returned, with Mr. Garden, without opposition.

“Not many days have elapsed since we assembled on this spot for the same purpose as that which now calls us together—the choice of Representatives. The opportunity of that choice being caused by a great national calamity, the decease of that beloved Sovereign who had reigned over the inhabitants of this country since the day they became British Subjects, it is impossible not to express the feeling of gratitude for the many benefits received from him, and those of sorrow for his loss, so deeply felt in this, as

in every other portion of his extensive dominions. And how could it be otherwise, when each year of his long reign has been marked by new favours bestowed upon the country. To enumerate these, and to detail the history of this country for so many years, would occupy more time than can be spared by those whom I have the honor to address. Suffice it, then, at a glance, to compare our present happy situation with that of our fathers on the eve of the day, when George the Third became their legitimate monarch. Suffice it to recollect, that under the French Government (internally and externally arbitrary and oppressive) the interests of this country had been more frequently neglected and mal-administered than any other part of its dependencies. In its estimation, Canada seems not to have been considered as a country which, from fertility of soil, salubrity of climate, and extent of territory, might have been the peaceful abode of a numerous and happy population; but as a military post, whose feeble garrison was condemned to live in a state of perpetual warfare and insecurity—frequent suffering from famine—without trade, or with a trade monopolized by privileged companies—public and private property often pillaged, and personal liberty daily violated—when year after year the handful of inhabitants settled in this Province were dragged from their homes and families, to shed their blood, and carry murder and havoc from the shores of the great lakes, the Mississippi and the Ohio, to those of Nova Scotia, Newfoundland and Hudson's Bay. Such was the situation of our fathers:—behold the change. George the Third, a Sovereign revered for his moral character, attention to his kingly duties, and love of his subjects, succeeds to Louis 15th, a prince then deservedly despised for his debauchery, his inattention to the wants of his people, and his lavish profusion of the public monies upon favourites and mistresses. From that day, the reign of the law succeeded to that of violence; from that day, the treasures, the Navy and the Armies of Great Britain, are mustered to afford us an invincible protection against external danger; from that day, the better part of her laws became ours, while our Religion, Property, and the laws by which they were governed, remain unaltered; soon after, are granted to us the privileges of its free Constitution—an infallible pledge, when acted upon, of our internal prosperity. Now, religious toleration; trial by jury—(that wisest of safeguards ever devised for the protection of innocence); security against arbitrary imprisonment, by the privileges attached to the Writ of Habeas Corpus; legal and equal security afforded to all, in their person, honor and property; the right to obey no other laws than those of our own making and choice, expressed through our Representatives;—all these advantages have become our birthright, and shall, I hope, be the lasting inheritance of our posterity. To secure them let us only act as British subjects and freemen.—*Quebec Gazette*, 1820.

ADDRESS

OF

THE HONORABLE THE LEGISLATIVE COUNCIL,

TO HER MAJESTY,

ON THE STATE OF THE PROVINCE.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

We Your Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly beg leave to address ourselves to Your Majesty, upon the difficulties which have lately surrounded this Colony.

In the adjoining Province of Lower Canada a long course of yielding policy has ended, as the loyal inhabitants of that Colony were persuaded it must end, in open rebellion. For many years past the Representatives of our Sovereign in that Province have hesitated to give effect to the Constitution, and to enforce the principles of Justice; one indignity after another has been borne by them, with a forbearance which has had no other effect than to diminish respect for their authority; concession has followed concession involving, in some instances, the violation of important principles, until at last the friends of the Crown knew not what Institution of the Government they could venture to sustain with confidence; and the avowed enemies of British rule saw no object which they might not hope to gain by insolence and clamor.

The yielding to unjust demands intemperately urged does not beget friendship; and it was natural that the deluded inhabitants of Lower Canada should transfer their attachment, as they have done, from the Government which surrendered its prerogatives to the pretended patriots, who in their name boldly and successfully assailed them.

Reasoning from the experience of the past, their turbulent leaders were encouraged to hope that there was no change, however destructive it might be of British supremacy, which they might not accomplish by assuming the language and demeanor of defiance. They have accordingly so inflamed the minds of an ignorant peasantry by violent harangues, and publications, that they have driven them at last to actual rebellion, when it is probable that they intended and hoped to effect their purpose by merely holding out a threatening appearance.—Happily this rebellion has been promptly suppressed by the vigorous measures of Lieutenant General Sir John Colborne, the Commander of Your Majesty's Forces, but not without a loss of life, especially on the part of the insurgents, which we fully believe would have been avoided, by a firm and just exercise of the powers of Government in former years. In order to have discountenanced effectually the efforts of the factious nothing more, we are persuaded, was necessary than the holding out to them a timely and unequivocal warning, that the principles of the British Constitution would assuredly be supported, if necessary, by the power of the British Empire.

The anxiety with which the inhabitants of Upper Canada have regarded the events to which we refer, is sufficiently accounted for by the relative position of the two Provinces.—Lower Canada interposes between us and the ocean, and it is only by passing through it that we can have access to any other portion of Your Majesty's dominions, without depending on a right of egress through a foreign State. But we assure Your Majesty that other feelings besides the sense of danger to ourselves, have prompted us to look with extreme concern upon the late conflict in that Colony. We deeply sympathised with one hundred and fifty thousand of our fellow Subjects, whose lives and properties it is now become manifest were in imminent danger of total destruction, from the inveterate hatred of British rule which has sprung up in proportion as the confidence which they were accustomed to repose in the protection of their Government has been suffered to be shaken. It must have been most gratifying to Your Majesty to learn, that in the absence of direct reinforcements from England, it was found not imprudent to withdraw from the other British Colonies on this Continent whatever regular forces had been stationed in them; and it cannot but tend to raise the character of this Province, that its Government could with safety be left thus destitute of military aid, at a time when rebellion was raging in the adjoining Colony, and after the people of Canada had been traitorously incited by certain Members of the Imperial Parliament to throw off their allegiance to their Sovereign, and to resort to violence, if it

should be necessary, for overturning the Constitution which we had received by the solemn act of the British Parliament.

Except, indeed, for the encouragement which our apparently defenceless state has given to some lawless people on our frontier, it is perhaps not to be regretted that at so critical a period the inhabitants of Upper Canada should have been left to defend their Country and Institutions, without the assistance of a military force. Your Majesty's Governor of this Province had ventured to give a manly and open support to British interests and principles; he had not distrusted the inclination of a loyal people to support the Throne, nor hesitated to refuse co-operating with those who were labouring to subvert our Government. By this natural and honorable course he had deprived agitation of its hope, and had given assurance and animation to the loyal. It was fortunate that an impressive example should be given of the soundness of a policy, which had for its basis a firm reliance upon the wisdom and justice of British Institutions, and a generous confidence that the people whom he governed had the sense to appreciate and the virtue to uphold them. No system of policy ever had a fairer trial; encouraged by the existence of rebellion in the adjoining Province, and hoping for aid from the people of a foreign State, the enemies of British rule ventured to throw off all disguise, and to raise their traitorous arms against a Government to which they had sworn allegiance. But the effort was no sooner made than it was signally defeated: thousands of Your Majesty's

Subjects rushed instantly to the support of your Royal authority, and of the laws; and in many of the most populous Districts of this Province, not a single individual was found to countenance the wicked and ungrateful attempt to separate this Colony from the British Empire.

In the progress of these disturbances however, an unlooked for danger suddenly discovered itself, of a much more formidable character than those which had been surmounted, and one that opens new and startling considerations to the inhabitants of this Colony, and of the British Empire.

While Your Majesty's Forces and Your loyal Subjects in Lower Canada were engaged in suppressing as causeless a rebellion as ever was fomented among a deluded people, we observed with astonishment, that in the adjacent parts of the United States of America, undisguised efforts were made to create among the people a strong feeling in favor of the insurgents. Public meetings were held, in which it was declared, that nothing more was intended than an expression of "sympathy"; but the results of such meetings went very far beyond this avowed intention. Arms were collected, and contributions of various kinds made for the benefit of those who were in actual rebellion against their Sovereign, and under the palpably disingenuous pretext of defending themselves against a people who never meditated an infringement of their rights, American citizens were seen rising in large bodies and threatening the peace and security of a British Colony, regardless alike of the injunctions of

their own Government, and of the express provisions of their laws.

Upon the frontiers of this Province, the inhabitants of several of the United States of America have carried their hostilities to a much greater length ; and while the relations of peace subsisted between the Republic and Great Britain, and when there remained not the slightest commotion among our people, they have not scrupled to arm themselves with artillery and weapons plundered from the public arsenals of their own country, and remaining embodied for many weeks, have carried on a piratical warfare against this Province.

Independently of those considerations of national honor and duty, which ought not to be without their weight in the United States of America, we cannot believe it possible that the Government or People of that country can desire to involve themselves in a war with Great Britain, and we will not therefore incur the hazard of doing injustice, by charging them with insincerity, because this extraordinary and sudden outbreak was not more promptly curbed. It has indeed appeared to us, that a desire to vindicate their national character, to prevent their citizens from inflicting undeserved injury upon a friendly people, and to avert a war with an Empire certainly too just and too powerful to be either hated or despised, might have furnished sufficient motives, both of morality and policy, for greater and more immediate exertion than appeared to be made ; but we know too little of the difficulties which may have impeded the prompt in-

interference of the Federal Government, to entitle us to conclude that nothing effectual was for a long time intended, because nothing effectual was done.

It cannot however, we are persuaded, be said with sincerity by any of the inhabitants of this Province, that the Government of the State of New-York has seemed to them to act in the moment of anxiety and danger, with the firmness and good faith that befitted the occasion.

It is true that they condemned the outrages of which we complained; but although these were of the most flagrant kind, they were nevertheless committed by their citizens in open day, in the presence of their public authorities; and though in order to procure the means of accomplishing them, the arsenals of the State were plundered of artillery and arms, no attempt at energetic interference seemed to be made. The insult offered by their citizens to their own laws, appeared to be patiently submitted to, while the injuries inflicted upon their neighbours were expected to be as patiently borne; and the vigilance that slumbered during repeated acts of aggression by their people, first shewed itself in an exciting appeal against an act of self-defence on the part of this Province, which, when truly described, cannot be denied to be reasonable and just.

With respect to that portion of the American people who have taken a direct part in these hostile proceedings, nothing can be said that will in any degree palliate their conduct; nor will it be easy to wipe off the reproach which it brings upon their na-

tion. Avowing as they have done, their intention to divide among themselves the lands of this Province, they have confessed the principal object of their warfare to be plunder; but the more general impulse which has enlisted the aid of multitudes in their cause, is the declared desire to free the people of this Colony from subjection to Your Majesty, and to drive what they call the last relic of Monarchical Government from this Continent.

It has astonished us to observe with how little scruple these lawless citizens of the United States appear to proclaim and act upon the principle, that any rebellion of the Subjects of a Monarchy is proper to be encouraged, as a struggle for freedom—as if it were an undeniable truth that even a limited monarchy, however carefully balanced, is incompatible with liberty, and can only be submitted to by people under restraint. They should shew at least so much deference for the rights of their neighbours, as to allow them to judge of matters which concern their own happiness and welfare. But while they profess to value themselves chiefly upon having what they call a Government of their own choice, they embark without hesitation in the intolerant attempt to impose, by force of arms, upon the people of Upper Canada, a form of Government which it is perfectly evident they do not choose. Living upon the very frontiers of this Province, these people cannot be ignorant that the maintenance of our connection with Great Britain, and an avowed preference for her laws and institutions, are the very points upon which our population

have lately more than once rallied, and by an almost universal suffrage.

With the spectacle before them of the whole male adult population of this country, rising almost without exception, and arming themselves with eager resolution to support the authority of their Sovereign, they insist upon it, that the wishes of a few fugitive traitors, whom they, and some recreant British Subjects in England, have taken under their especial patronage, shall prevail over the almost universal desire of the people of Upper Canada.

When these citizens of the United States speak of bringing to us the boon of Republican Institutions, they seem to imagine that they will be regarded as offering to extend to the people of Upper Canada some newly-discovered blessing: not considering that Republics of the purest cast have been seen to run through the several stages of Democracy, Anarchy and Despotism—even before the commencement of the Christian era—and that, too, in ages and countries renowned for philosophers and statesmen. They forget also, that in our own generation we have had an opportunity of observing in the fairest portion of the Continent of Europe the same process—though not exactly in the same order—until at last, under the Government of a limited Monarch, comparative peace, justice, stability and repose, have returned to a land which had been long desolated by the worst miseries of domestic and foreign war.

When the people of a country profess it to be the fundamental principle of their own institutions,

that the will of the majority shall govern, and at the same time are seen rushing to arms for the purpose of enabling a feeble minority in a neighbouring Province, with whose concerns they have nothing to do, to prevail against the will of the majority, we cannot fail to observe how nearly Democracy is allied to tyranny, and how little it has changed its nature in modern times.

Nevertheless, it is with regret we declare to Your Majesty, that powerful as may be the means which the United States possess, from their great population and wealth, of forcing upon Your Majesty's Subjects in these Colonies a form of Government which their inclination, no less than their duty, leads them to reject, their ability successfully to resist it is in greater danger from another cause. We have observed with concern, that among our fellow Subjects in the United Kingdom, there are many who have too readily taken up the opinion, that in this New World the forms and restraints of Monarchical Government must be distasteful to the people; that nothing but Republican doctrines and practices can be congenial to the inhabitants of this Continent; that all attempts to repress the supposed inclination in their favor are so many struggles against nature; and that in process of time, as our people become numerous, and can claim the privilege of being governed as they please, they will certainly insist upon becoming Republicans.

There is nothing more evident than that these impressions, which we believe to prevail with many of our fellow Subjects in England, are erroneous—and

the error is one which we fear may prove most injurious to our future happiness and security. It has seemed to us on some occasions to paralyze the efforts of the undoubted friends of Monarchy in the Great Council of the Nation, and to cause the vindication of the principles of our Constitution when they are assailed in the Imperial Parliament, to be usually undertaken in a tone of despair, with so many concessions and qualifications as to what it may be necessary to surrender in future, and with so apparent a readiness to admit that other principles must be expected to prevail in time, that British Subjects really attached to their Government seem to be enjoying their Constitution only until the period shall come when those in England, who seem habitually to distrust the wisdom and propriety of maintaining a Monarchical Government in these Colonies, shall have raised by their encouragement a sufficient number of advocates of other principles, to warrant their giving to them their open and active support. It is with pain we state to Your Majesty, that not a few of the acts of the Colonial Department have seemed to us to be evidently influenced by this error, which we deplore; and it is an error which we seriously fear may prove fatal to the connection of these Provinces with Great Britain, and not less fatal to their own peace and welfare.

We have some hope, however, that what is now taking place in these Colonies may lead to sounder views—for a more striking and convincing testimony of the advantages of Monarchical Government was perhaps never afforded than may be gathered at this

moment, by observing the conduct pursued, and the sentiments expressed throughout the British North American Provinces. In the midst of a struggle which still threatens to bring upon them the unequal force of the American Republic, the people of these Colonies are not merely faithful to their Government, but they are animated by a zealous feeling of loyalty, which prompts them to undergo every privation and danger necessary to be encountered for supporting their Constitution and Laws. Living on the borders of a country where the great experiment of governing by the will of the people, or rather of forbearing to govern in deference to their will, has been long tried on the largest scale, they have seen nothing to make them discontented with their own political condition: they feel themselves to be quite as free as the citizens of the neighbouring Republic, and in many cases more so; and they believe that their form of Government confers greater stability on their civil institutions; guards better their religious liberty; assures more power to the laws; protects life, reputation, liberty and property, with greater steadiness and certainty; and insures the observance of a just respect for the rights of their neighbours more effectually than can be done in any country where the popular will must govern, however irregularly exerted. They do accordingly prefer their own Constitution—not coldly, in the mere exercise of their judgment—but they defend it with an affectionate attachment, which deserves the warmest encouragement and support of Your Majesty, and of the British Empire.

To say nothing of the Colony which we ourselves inhabit, we ask those who are either themselves insensible to these feelings, or who have falsely imagined that they could find no home on the North American Continent, to look at this moment upon the noble Provinces of Nova Scotia and New Brunswick, and to point out any portion of Your Majesty's United Kingdoms where veneration for the Throne, and attachment to the principles which can alone support it, are avowed with greater earnestness and pride.

Your Majesty's loyal Subjects in America see in the protection which a limited Monarchy affords to rational liberty, such inestimable advantages as secure their most faithful devotion, although they are far removed from the immediate influence of an enlightened and benevolent Aristocracy, and from the splendour which surrounds the presence of Royalty. Their most anxious desire is, that they may be allowed to preserve this Constitution unimpaired.—They find it exposed to danger from two sources; first—to the danger of being gradually undermined by changes assented to by the Colonial Department, in a mistaken spirit of concession; and in the next place, to the danger which threatens at the same time our connection with the British Crown, namely, the violent interference of the people of the United States in our concerns.

With regard to the first danger, we respectfully entreat Your Majesty to consider, that the remedy lies entirely within Your Majesty's power; and we think we urge no unreasonable desire, when we ear-

nestly implore Your Majesty, that we may be secured against the risque of those principles, in which the strength and excellence of the British Constitution consists, being surrendered, from an unmanly fear, or from the rash attempt to create a new and better system of Government than has been hitherto known to the Subjects of Great Britain.

With respect to the second danger, Your Majesty will learn with astonishment, that it becomes daily more alarming. Whatever may be the cause, the violation by the American people, of their friendly relations with Your Majesty, is so far from being effectually put down by the interference of their Government, that their preparations to invade and plunder the Provinces of Canada, are reported at this moment to be carried on more extensively and openly than ever. But in the midst of the excitement which their preparations have occasioned, we have received the cheering intelligence of the prompt and decisive exertions made by Your Majesty for our protection, for which we tender to Your Majesty our most grateful thanks.

We have never allowed ourselves to doubt, that if ever the period arrived when it should become a question, whether these valuable Colonies should be tamely suffered to be wrested from the British Crown, or whether Your Majesty's loyal Subjects who inhabit them, should be aided in their struggle to avert that calamity, the question would not be determined upon cold calculations of interest alone, but that other and nobler sentiments would govern the decision.

We rejoice to learn, that Your Majesty's Government and the people of the United Kingdom, have no hesitation as to the path to be pursued ; and in the generous exertion now made for maintaining the integrity of the Empire, we behold the assurance of our future safety and peace.

The proof which is thus unequivocally given, of the determination of Your Majesty to defend these Provinces effectually from injury and insult, will for the present, we trust, avert the calamities of war ; but we earnestly entreat Your Majesty, that the season of peace may be used for providing a more adequate security against a recurrence of such danger as we have been lately exposed to.

The anxieties to which the events of the last three months have given rise, have made us feel more sensibly than ever, the great debt of gratitude which this Country owes to the illustrious Duke of Wellington, whose patriotism prompted him to add to the defences of Canada by the construction of that noble work, the Rideau Canal, which has secured the interior of this Country to the extent of two hundred miles, by providing a navigable channel removed from the frontier, and connecting us directly with whatever resources the fleets of Great Britain can supply. We earnestly hope that the other defences, which it was at one time intended to construct for the protection of our frontier, may be now proceeded in, under the conviction that the want of such defences is almost certain to invite hostilities which must lead to a national war.

In the present remarkable crisis of the affairs of this Province, we have united in a Report, which accompanies this Address, stating the views entertained by the Legislative Council in regard to the general interests of the Colony. If in some points of great moment, we have felt that our duty to Your Majesty, and to our fellow Subjects, has required us to express opinions at variance with the policy which has been pursued by the Colonial Department, we have done so without regard to considerations of party; and in the confidence that we shall not offend by avowing the anxiety we feel to protect our Constitution from injurious changes.

It cannot be doubted that the circumstances in which Lower Canada is placed will lead to the adoption of some measures, which may very materially affect the future condition of this Colony. But though we cannot contemplate these probable changes without extreme anxiety, we feel, in common with our fellow Subjects in Upper Canada, the most unlimited confidence in Your Majesty's desire to consult our happiness and prosperity, and an entire reliance upon the wisdom of the Imperial Parliament for devising such measures as are best suited to remedy existing evils. No important change, we feel assured, will be suffered to be made without an opportunity being first afforded to the Inhabitants of this Province to make known their opinions and wishes; and when this has been done, we are persuaded that all classes of Your Majesty's Subjects will cheerfully abide by the decision.

We beg to express on this occasion our assurances of entire devotion to Your Majesty's Person and Government.

JOHN B. ROBINSON,
SPEAKER.

Legislative Council,
28th February, 1838.

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